SUPREME COURT OF THE UNITED STATES.

No. 220.

THE UNITED STATES, APPELLANTS,

VS.

JOSEPHINE J. DUPLANTIER.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
Petition of Plaintiff	1–8	5–8
Acceptance of service by Defendants	8	8
Will of Fergus Duplantier, annexed	8–9	8
Citation to defendants and Marshal's return	9–11	9
Answer of defendants	11	10
Answer and intervention of C. and M. Vidal	12–15	10–11
Attestation of service on Defendants and Pl'ff	15	11
Demurrer of Defendants to intervention	16–18	12
Entry: Assigning cause for 26th inst.	18	13
Entry: Order for commission to St. Tammany, La.	18–19	13
Entry: Order for opening of commission (retd.)	19	14
Entry: Leave to file supp: & amended Petition	20	14
Supplemental Petition of Plaintiff	20	14
Entry: Opening of trial & continuance of case	21	14
Evidence.		
I. In support of Labatut claim, 16,000 arpents	21–186	15–93
1º Doc: A. Titulo a favor de don Juan Bte. Labatut	21–32	15–19
Translation of Doc: A.	32–42	19–24
2º Doc: B. Cinco Planos y Diligencias (16,000 arps.)	43–58	24–30
Translation of Diligencias or certificates	59–68	30–35
Clerk's note as to admission in ev'ce of Docs. A. and B.	68	35
3º Doc: F. (Spanish). Proceedings of Span. authorities at Baton Rouge, 1807, in relation to sale of 16,000 arpents of land belonging to Nicolas Ma. Vidal, decd.	69–84	36–42
4º Doc: H. (Spanish). Further proceedings of same authorities in relation to same land, 1808	85–97	42–47

THE UNITED STATES OF AMERICA,

To A. B. Roman, of the Parish of St. James, State of Louisiana, greeting:—

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an Order of Appeal granted, on the ninth day of June, 1849, by the District Court of the United States in and for the Eastern District of Louisiana, in a certain cause in Chancery, (under the Acts approved May 26th, 1824, and June 17th, 1844,) entitled, (No. 38) *A. B. Roman* vs. *The United States*, wherein the said United States of America are now Appellants, and you are Appellee, to show cause, if any there be, why the judgment rendered against the Appellants, as in the said Order of Appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness hereto my hand, and the Seal of the said Court, at the city of New Orleans, this twenty-fourth day of September, A.D. 1849.

[SEAL.] THEO. H. McCALEB,
Judge of U. S. District Court Eastern District of Louisiana.
Attest: ROBR. M. LUSHER,
Dy. Clerk.

ALF'D. ROMAN, and
P. E. BONFORD,
Atty's.

EASTERN DISTRICT OF LOUISIANA,
United States District Court:

No. 38.

Origl. { A. B. ROMAN vs. THE UNITED STATES. } Citation of Appeal.

MARSHAL'S RETURN.

Recd. October 9, 1849, and on the 26th Octr. 1849, served a copy of the within citation of appeal on A. B. Roman, Esq. Plff. by handing the same to him in person at his domicil Parish of St James 62 miles from the city of New Orleans, and returned 29th Oct. 1849.

N. W. BUTLER,
Dy. U. S. Marshal East. Dist. of La.

Retn. registered, Oct. 29, 1849.

ROBR. M. LUSHER,
Dy. Clerk.

Filed December 6th, 1849.

SUPREME COURT OF THE UNITED STATES.

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Petition of Plaintiff	1–8	5–8
Acceptance of service by Defendants	8	8
Will of Fergus Duplantier, annexed	8–9	8
Citation to defendants and Marshal's return	9–11	9
Answer of defendants	11	10
Answer and intervention of C. and M. Vidal	12–15	10–11
Attestation of service on Defendants and Pl'ff	15	11
Demurrer of Defendants to intervention	16–18	12
Entry: Assigning cause for 26th inst.	18	13
Entry: Order for commission to St. Tammany, La.	18–19	13
Entry: Order for opening of commission (retd.)	19	14
Entry: Leave to file supp: & amended Petition	20	14
Supplemental Petition of Plaintiff	20	14
Entry: Opening of trial & continuance of case	21	14
Evidence.		
I. In support of Labatut claim, 16,000 arpents	21–186	15–93
1º Doc: A. Titulo a favor de don Juan Bte. Labatut	21–32	15–19
Translation of Doc: A.	32–42	19–24
2º Doc: B. Cinco Planos y Diligencias (16,000 arps.)	43–58	24–30
Translation of Diligencias or certificates	59–68	30–35
Clerk's note as to admission in ev'ce of Docs. A. and B.	68	35
3º Doc: F. (Spanish). Proceedings of Span. authorities at Baton Rouge, 1807, in relation to sale of 16,000 arpents of land belonging to Nicolas Ma. Vidal, decd.	69–84	36–42
4º Doc: H. (Spanish). Further proceedings of same authorities in relation to same land, 1808	85–97	42–47

	Original.	Print.
5° Doc: H. a. (Spanish). Judicial sale by Syndic authorizing [illegible] 1808, of land to Sabin Perrin - - - - [illegible]-104		46–50
6° Record of Suit of C. & M. Vidal, f. w. c. *vs* Fergus Duplantier, No. 1990, 3d Jud. Dist. Ct. of La. - - - -	105–155	51–78
Clerk's note as to admission of four last documents - -	155	78
7° Doc: G. (Spanish) Order annulling sale of land and requiring another—1808 - - - - - - -	156–160	78–80
8° Doc: E. (Spanish) Sale of land, 25th Feby. 1804 by J. B. Labatut to Nic. Ma. Vidal - - - - -	160–162	80–81
9° Doc: I. (French) Power of Attorney: J. S. Perrin to H. Tivollier, April 14th, 1810 - - - - -	163–166	81–82
10° Doc: J. (French) Sale of land, by Tivollier to F. Duplantier, May 9th, 1811 - - - - - -	166–168	82–83
11° Deposition of C. Parent { 1° Commission - - - -	168–169	83–84
{ 2° Interrogatories & cross - - -	169–171	84–85
{ 3° Answers in relation to Doc: J. - -	172–174	86
12° Will of Fergus Duplantier (see pages 8 & 9) - - -	175	87
13° Deposition of John McDonogh as to heirship - - -	175	87
14° Deposition of Louis Bouligny as to signatures to Docs. A. B. C. D. E. F. G. H. I. J. K. L. M. - - -	176–180	87–90
15° Deposition of Antoine Cruzat as to same - -	181–184	90–92
16° Transcript from Land Office, at Greensburg La. "to prove presentation of claim." Opening & close - -	185–186	92–93
of clerk's nota as to *body* of said transcript - - -	186	93
Close of plaintiff's evidence on "Labatut claim."		
Clerk's nota as to ev'ce off'd by Vidal, Intervenors - -	187	93
Vidals, Intervenors' Attorney's Receipt for docs. - - -	187	93
Evidence.		
II. In support of "Duplantier claim," 10,000 arps. -	(188–217)	94–107
1° Doc: L. (Spanish) Copy of King's edict in relation to grants February 20th, 1805 - - - - -	188–191	94–95
2° Doc: C. Titulo a favor de Don Armando Duplantier 10,000 arps. tierra planos 1804—con los cinco Planos y diligencias -	192–205	95–101
Translation of document C. (from Spanish) - -	206–217	101–107
Clerk's nota on rejection of documents L and C. - - -	217	107
Entry: Resumption & continuance of cause - - - -	218	107
Evidence.		
III. In support of "Jorda claim" (3000 arpents) - -	(219–242)	108–118
1° Concession de 40,000 arps. al Don Cap. Jayme Jorda—(2d Jan'y 1804)—con el Plano y le diligencia de Pintado - -	219–229	108–112
2° Doc: D. (Span.) Plan & procès verbal of 3000 arpents of Jorda grant, for J. M. de la Barba - - - -	229–231	112–113
Translation of Doc: D. - - - - -	232	113
3° Doc: D(') (Span.) Receipt and certificate of Pedro Marin as to sale of 3000 arpents - - - - -	233–234	113–114
4° Sale by Atty in fact of A. Duplantier to Philip Hicky, and latter's declaration - - - - - -	234–239	114–117

	Original.	Print.
5º Deposition of [illegible] as to signatures to Doc: D(5) - -	239	117
6º Deposition of B. Bouligny in relation to signatures to original concession to Jorda - - - - -	240–242	117–118
Clerk's nota on admission of said six documents - - -	242	118
IV. In support of "Williams' claim" (400 arps.) - -	(242–253)	119–123
Doc: E. Titulo a favor de Thos. Williams, con el Plano y la Diligencia de Pintado - - - - -	242–248	119–121
Translation of said document E. - - -	248–253	121–123
Close of evidence offered.		
Doc: K. (referred to in deposition of Louis Bouligny) -	253–255	124–125
Doc: M. (" " " " ") -	256–259	125–126
Agreements { 1º Admitting State papers in evidence - -	260	127
Agreements { 2º Submitting Cause to Court - -	260–261	127
Entry; Order of Submission - - - - -	261	127
Entry: Judgment of the Court (Sigd May 19th) - -	262–267	128–130
Entry: Motion and order of appeal - - - -	267–268	130–131
Clerk's and Judge's certificates - - - - -	269	131
Citation of Appeal - - - - - - -	270	131

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

United States District Court sitting in Chancery.

JOSEPHINE J. DUPLANTIER,
vs.
THE UNITED STATES. } Land Cause No. 44.

Be it known and remembered that heretofore, at the May term, A.D. 1846, of the said court, to wit: on the fifteenth day of June of said year, Josephine Joyce Duplantier, plaintiff in the above-entitled cause came, by her attorneys R. N. and A. N. Ogden, esquires, into the office of the clerk of said court, and there filed her petition, which is in the words and figures following, viz:

Petition, filed June 15th 1846.

To the Honorable Theodore H. McCaleb Judge of the District Court of the United States for the District of Louisiana.

The petition of Joséphine Joyce Duplantier residing in the parish of East Baton Rouge with respect represents:

That your petitioner is the lawful owner of twenty nine thousand four hundred arpents of land lying in what was formerly known as West Florida and within the limits of what is now the State of Louisiana, for which your petitioner has the following titles from the Spanish government to whom the sovereignty of the country where said lands are situated at the time of said titles being granted did then belong; viz: That on the 30th Jany. 1804 Juan Ventura Morales intendant of the province of West Florida granted as an act of sale to Juan Bautista Labatut sixteen thousand arpents of land in five different lots or parcels situated in the said province which had been previously surveyed by Vincente Sebastien Pintado the surveyor of the province and the boundaries fixed, of which the said surveyor granted certificates on the 31st of October 1803. The first No. 1665 being for eight hundred and twenty seven arpents situated in the district of Feliciana four miles east of the river of said name in the place known by Black Creek bounded on the North N. West sides by lands solicited by Bernardo de Herias and on the southwest side by vacant land and on the E. S. E. side by vacant lands also: the second No. 1666 being for two thousand seven hundred and eighty one arpents situated in the district of Baton Rouge behind the highlands of Manchac and at eight miles E. S. E. of the compass placed on the fort of said district bounded north by lands surveyed for Joseph Reynes northwest and E. S. E. by vacant lands and S. S. W. by lands of Isaac Lothrop Gilbert André Joseph Sharp

Widow trist Firmin or Hypolite Landry and Joseph La Blanc: The third No. 1667 being for two thousand five hundred arpents situated in the District of Baton Rouge five miles and a half East of the Fort of Baton Rouge bounded North by lands of Thomas Hutchins South by those surveyed for Joseph Reynes and East and West by unimproved lands: The fourth No. 1668 being for four thousand and fifty two arpents situated on the West margin of the river Comité Jurisdiction of Baton Rouge at about fourteen miles more or less from the confluence of said river with the Amite and bounded North and East by unimproved lands South by Red Wood Creek and lands of Thomas Urquhart and East bordering on said river Comité: The fifth No. 1669 being for five thousand eight hundred and forty arpents situated on the East margin of the river Comité Jurisdiction of Baton Rouge at twenty miles more or less from the confluence of said river with the Amite bounded N. and E. by vacant lands South by those purchased for Thomas Urquhart and West bordering on the said river Comité: That the said surveys were made and figurative plans of the several lots according to instructions from the Royal Intendency General on the 28th September 1803 with a view to the sale of the said lands to the said Labatut which was consummated and the price thereof paid by the said Labatut and the patent issued by the Spanish government as aforesaid: That the said Labatut on the 25th Feby. 1804 by notarial act before Pedro Pedesclaux sold the said lands to Nicolas Maria Vidal and at the sale of his succession they were adjudicated by Governor Grand Pré to one Perrin who on or about the 9th of May 1811 sold and conveyed them to Fergus Duplantier; That on the 27th of April 1804 the said Intendant Juan Ventura Morales granted as an act of sale to Armand Duplantier ten thousand arpents of land in the District of Baton Rouge in the said Province of West Florida in five different lots or parcels which had been previously surveyed and figurative plans thereof made by the Surveyor of the Province, Vincente Sebastian Pintado and the boundaries fixed of which the surveyor granted certificates on the 7th of March 1804, viz: The first No. 1, being for six hundred and thirty arpents in the District of Baton Rouge about three miles from the Fort. Bounded on the North by lands of Elias Beaurgard on the South by Atonio Grass on the East by lands granted to Juan Bacon Susanna Vaucheret and others: No. 2. being for eighteen hundred and seventy five arpents in the District of Feliciana about four and a quarter miles from the dividing line between the United States and the Spanish Territory on the Eastern side of a branch of the river Feliciana bounded on the *on the* North by lands of Manuel Lanzas and on the West by the before mentioned branch of the Feliciana: No. 3, being three thousand nine hundred and seventy five arpents in form of a parallelogram situated in what was called the establishment of Santa Helena on both sides of Sandy Creek and about sixteen miles from the line dividing the United States from the Spanish Territory bounded on the North by lands surveyed for

[illegible] Creek, on the South by those of Gilbert Andry and others and East and West by vacant lands: No. 4, Two thousand eight hundred and seventy four arpents on the West side of Sandy Creek and about twenty miles from the line dividing the Spanish Territory and the United States, bounded on the North by lands surveyed in favor of Juan Delassize on the South and East by lands of Juan Lind and on the West by the river Santa Rosalia or Sandy Creek: No. 5. Six hundred and forty eight arpents on the West side of the river Amite about a half a mile below the mouth of Sandy Creek (a media milla mas arriba de la Boca del arroyo de Santa Rosalia or Sandy Creek) bounded on the North by lands of Juan Lind on the South and East by said river Amite and on the West by lands surveyed in favor of Christoval de Armas: That the aforesaid surveys were made by an order of the Intendant of the Province dated 3d of November 1803 and the said Armand Duplantier then bought the said lands from the Spanish government at the price of the estimation made under direction of the Intendant and afterwards sold the same to Philip Hicky who conveyed them to Fergus Duplantier: Your Petitioner further shews that Jayme Jorda purchased of the Spanish government by grant from Juan Ventura Morales dated Jany: 2d 1804 forty thousand arpents of land situated in the District of Feliciana thirty miles to the east of the Mississippi within the then Province of West Florida having the marks and boundaries as laid down in the original plat of survey annexed to the deed of sale of which your petitioner is the lawful owner and proprietor of three thousand arpents as described in the certificate of survey annexed to this petition by Carlos Trudeau dated the 2d of May 1805 as follows, viz: situated thirty miles east of the Mississippi river and five hundred and ninety six perches from the division line between the United States and the Spanish Territory bounded on the east by lands of said Jorda and west by those of Manuel de Lanzos and north by the three thousand arpents which make the complement of the six thousand arpents which the said De la Barba bought of the said Jorda which said three thousand arpents of land were sold by the said Maria De la Barba to Armand Duplantier, by the said Armand Duplantier to Philip Hicky who conveyed the same to the said Fergus Duplantier: that Thomas Williams also purchased from the Spanish government by grant from the said Morales intendant on the 24th of Feby: 1804 four hundred arpents of land situated in the District of Feliciana at four miles to the east of the river Feliciana and about seven miles to the north east of its confluence with the river Mississippi bounded on the north by lands of Adonijah Hanbourg on the south by lands of Daniel Miller and on the east north east and west south west by vacant lands according to the survey and figurative plan accompanying the said grant and bearing date the 9th of November 1803: which said four hundred arpents by a regular claim of conveyance became the property of the said Fergus Duplantier: your petitioner further

shews that all the aforesaid grantees were residents of the Province and now State of Louisiana at the time of said grants and before the 10th of March 1804: that your petitioner by the last will and testament of her husband the said Fergus Duplantier hereto annexed duly proved and admitted to probate was instituted his sole universal heir and that the said Duplantier before his death had acquired title by regular claim of conveyance to all the aforesaid grants of land which conveyances will be shown on the trial: that all of the aforesaid grants and surveys have been duly recorded in the office of the Clerk of the Commissioner of Land Claims west of Pearl River and east of the Mississippi, and your petitioner is now ready to produce the same but your petitioner has been without remedy to have said claims confirmed until the act of Congress 17th June 1844 authorizing this honorable court to take jurisdiction and decide on their validity and that the government of the United States have already granted and sold all or the greater portion of said lands to other persons: wherefore your petitioner prays that a copy of this petition may be served on Solomon W. Downs District Attorney of the United States for the State of Louisiana and that he be cited to answer this petition and that the validity of your petitioner's claim may be inquired into and decreed to be valid and that her claim and title may be confirmed to all that part of the said lands which has not been sold or granted by the United States and that she be authorized to enter in any of the land offices in the State of Louisiana such a quantity of lands as may on a survey to be ordered, be ascertained to have been granted or sold by the United States and your petitioner prays for general relief in the premises.

(Signed) RN. & AN. OGDEN,
Attys. for Petiter.

Service accepted.

Service accepted June 15th 1846.

(Signed) S. W. DOWNS,
U. S. Attorney Dist: of La.

Will of Fergus Duplantier annexed to petition.

Nevarietur July 17, 1844—*Ch: Tessier. P. J.*

Moi Fergus Duplantier devant faire mes dispositions finales, je déclare le présent pour être mon testament olographe.

Je donne et lègue à ma femme Joséphine Joyce Duplantier, tout mon bien. Et je nomme Messieurs François Gardère et Hippolite Lanowe, mes exécuteurs testamentaires et reteneurs de mes biens.

(Signed) FERGUS DUPLANTIER.

Manchac 26 Août 1834.

Recorded, July 17th, 1844—Ch: Tessier, P. J.

I certify the foregoing to be a true copy of the original will and testament of the late Fergus Duplantier on file in the records of my office, which testament was duly proven. In witness whereof I have hereto set my hand and public seal this 9th June, 1846.

[SEAL.] (Signed) CHS. TESSIER,
P. Judge.

And thereupon, at the same term, on the 17th day of June, A.D. 1846, was issued from the Clerk's Office the following

Citation.

United States District Court sitting in and for the District of Louisiana.

To the Marshal for the District of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, United States Attorney to appear before the Honorable Judge of the District Court of the United States sitting in and for the District of Louisiana at a District Court to be holden at New Orleans on the first Monday of July 1846; then and there to answer a petition in Chancery filed against the United States, wherein Joséphine J. Duplantier is petitioner:

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Memorandum:—The defendant is to enter an appearance in the above cause, in the clerk's office, on or before the first Monday of July 1846; otherwise the petition may be taken pro confesso.

Witness the Hon. Theo. H. McCaleb, Judge. This 17th day of June, New Orleans 1846, and 70th year of American Independence.

[SEAL.] (Signed) L. E. SIMONDS,
Dt'y Clerk.

On which was duly registered in the Clerk's Office the following

Marshal's Return.

Received, this 17th day of June 1846 and on the 18th day of June 1846 served copies of the within citation. Plaintiff's Petition and documents annexed, on the within named S. W. Downs Esq. United States Attorney, in the manner following, to wit: in person at New Orleans, and made this return.

(Signed) for WM. F. WAGNER,
U. S. Marshal.

J. H. RHINEHART,
Dty. U. S. Marshal.

And afterwards at the same term, to wit: on the 5th day of November, A. D. 1846, the defendants appeared by their attorney and filed the following

Answer.

JOSEPHINE DUPLANTIER, vs. THE UNITED STATES. } In the District Court of the United States for the District of Louisiana.

The defendants now come and for answer deny all and singular the facts and allegations in plaintiff's petition contained.

Wherefore they pray that the said petition may be dismissed at plaintiff's costs.

(Signed) THOS. J. DURANT,
Att'ny.

And be it also known and remembered that afterwards, at the May Term A. D. 1847 of the said court to wit: on the first day of November of said year came into the clerk's office Caroline and Merced Vidal, by their attorneys Wm. C. Micon and Jno. P. Wilde Esqs. and there filed in the said suit of J. J. Duplantier *vs.* the United States the following

Answer and Intervention.

To the Honorable the District Court of the United States in and for the District of Louisiana.

In the suit now pending in said court of Madame Veuve J. J. Duplantier *vs.* the United States.

Now come by way of intervention and answer, as by law permitted, Caroline Vidal who resides in Havanna on the Island of Cuba and Merced Vidal who resides in Louisiana wife separated from bed and board of Severin Palüo herein duly authorized and assisted, and say that true it is, as in said petition alleged that four certain grants of land, were made by the Spanish government to John B. Labatut and by him conveyed to Nicolas Maria Vidal, said grants comprising in all about sixteen thousand acres, and true it is that by said grants a perfect title issued from the government to said grantees, and that said grantees paid a valuable consideration for said lands; but said respondents and intervenors do wholly and absolutely deny that the said plaintiff Mrs. Duplantier have any right title or interest in said premises, and on the contrary do aver and maintain that these intervenors are the true and only proprietors of said lands, and that they derive their said title directly from said Nicolas Maria Vidal in manner and form as hereinafter alleged and set forth:

Respondents and intervenors show that they are natural children of said Nicolas Maria Vidal, by him duly recognized, that by the last will of said Nicolas Maria Vidal, passed in due and authentic

on the 4th May 1798, before P. Pedesclaux N. P. in the city of New Orleans, the said Vidal constituted your intervenors, together with two other natural children his universal heirs and legatees of all the property of which he should die possessed; that said N. M. Vidal. soon afterwards, to wit: on or about the ———— 1806 departed this life at Pensacola Florida; that the said remaining daughters or children constituted as aforesaid joint heirs with respondents died before said N. M. Vidal by which respondents became and are the sole and only heirs of said deceased and entitled to all the property left by him, including the lands aforesaid.

Intervenors & respondents do further say that they have been recognized as heirs of said deceased by due judicial proceedings in Pensacola aforesaid, and that said will has been duly probated and ordered to execution in the Parish of East Baton Rouge where the said lands lie; and by decree of the court of probates of said parish intervenors were put in possession of the same, and have ever since and before actually enjoyed the possession thereof.

Intervenors do further say that their said title derived as aforesaid has never been divested or disturbed in law; that no such sale as in said petition alleged was made to said Sabbin Perrin or by him to said Duplantier, or if any such sale were made to said Sabbin Perrin, the same was wholly null and void, being made without authority of law or justice, without any proper representative of the succession of deceased or of petitioners then minor heirs, and not by any person or officer therein authorized by law, by means whereof, the said title remained and has ever since remained vested in these respondents, and the said plaintiff has no rights in the premises:

Wherefore respondents & intervenors do pray that copies of this their answer and intervention be duly served upon said plaintiff Madame Joséphine Duplantier and upon the district attorney of the United States for the District of Louisiana, and after due proceedings herein judgment be rendered, dismissing the claim of said Madame Duplantier and confirming the said lands in said petition and grants described, to these respondents as sole owners thereof, and respondents pray for general relief in the premises.

(Signed) WM. C. MICON,
& JOHN P. WILDE,
Of Counsel.

And duly certified copies of the foregoing having been issued according to law, was thereupon registered in the Clerk's Office the following

Marshal's Return.

Received, November 2d, 1847, and on the same day served a copy of the within answer and intervention on Thomas J. Durant, Esq., in person, at New Orleans, and on the Third day of Novber,

served a copy of the within answer and intervention on R. [illegible] Ogden Esq., in person, at New Orleans, he being attorney for the plaintiff, who accepted service.

Returned New Orleans Novber 3d, 1847.

(Signed) JOS. PRADOS,
Dy. U. S. Marshal.

And further, at the same term, to wit: On the 10th day of November, A. D., 1847, appeared the United States, Defendants in said cause, and by their attorney filed the following:

Demurrer.

MADAM VEUVE J. J. DUPLANTIER,
vs.
THE UNITED STATES.

To the Honorable Theodore H. McCaleb, the Judge of the District Court of the United States for the District of Louisiana.

The Demurrer of the United States, the Defendants to the petition of Intervention, filed herein by Caroline Vidal and others.

And now comes Thomas J. Durant, attorney of the United States for the District of Louisiana, and not confessing or acknowledging all or any of the facts and allegations set forth in the said petition of Intervention of Caroline Vidal and others, he demurs in law thereto, and says he is not bound to answer the same.

And for cause of demurrer, he shows that the said Caroline Vidal and others, the petitioners of Intervention, have not, by their petition of Intervention, made such a case as entitles them to relief under the act of Congress of 17th June, 1844, for this, to wit: That the said petition of Intervention and bill, was not filed within two years after the 17th June, 1844, being the date of the approval of the act of Congress, entitled "An act to provide for the adjustment of land claims within the states of Missouri, Arkansas, and Louisiana, and in those parts of the states of Mississippi and Alabama south of the thirty first degree of north latitude, and between the Mississippi and Perdido rivers;"—but that the said petition of Intervention, according to the said act and the act of 26th May, 1824, which is therein revived, should have been filed within two years from the date of the said act of 17th June, 1844; that after the lapse of the said two years, no claimant can, by said laws, avail himself of the benefits and privileges which they confer; that the court is, therefore, without jurisdiction of the Petition of Intervention, and that this suit cannot be maintained.

And for further cause of demurrer, the said attorney represents to this Honorable Court that this Court is without jurisdiction to try any such question as is raised in the aforesaid petition of Intervention: because, by the act of 17th June, 1844, aforesaid, the

court can only decide questions of disputed title to land between the United States, and individuals claiming adversely to them, under titles derived from the former sovereign of the country, but cannot decide upon questions of title between individuals, as this petition of Intervention calls upon the court to do.

Wherefore, the attorney aforesaid, for these and divers other good causes of demurrer appearing in the aforesaid petition of Intervention, doth demur to the said petition of Intervention, and to all the matters and things therein contained, and prays the judgment of this Honorable Court here, in the premises, whether he shall be compelled to make any further or other answer to the aforesaid petition of Intervention and bill, and he prays for general relief and to be hence dismissed, and that petitioner be condemned to pay all costs.

(Signed) THOMAS J. DURANT,
Attorney of the United States for the District of Louisiana.
Nov'ber 10th 1847.

And be it further remembered that afterwards, at the February Term, A. D. 1849, of the said court, to wit: on the 19th day of March of said year, was entered of record on the minutes of the court the following

Motion and Order.

J. J. DUPLANTIER
vs.
THE UNITED STATES. } No. 44.

On motion of A. N. Ogden, Esq. of counsel for the complainant, it is ordered that this cause (fixed for to-day, but passed over) be assigned for trial on Monday next, the 26th inst:

And on the same day was also entered of record the following

Order.

No. 44. On motion of A. N. Ogden, Esq. of counsel for the plaintiff, and on his representing to the court that C. Parent, who resides in the parish of St. Tammany, Louisiana, is a material witness for said plaintiff, it is ordered that the testimony of said witness be taken under commission addressed to Jesse R. Jones or M. G. Penn, or any judge or justice of the peace for said parish, on interrogatories and cross-interrogatories and document J. now of record thereunto annexed, and that said commission be returnable on Monday next.

Whereupon was forthwith issued from the clerk's office the commission hereinafter copied on page 168 of this transcript, with interrogatories and document marked J. annexed thereto.

And said commission having been returned on the 23d of March 1849, was entered of record on the day following, to wit: the 24th of March, the following

Order.

JOSEPHINE DUPLANTIER
vs.
THE UNITED STATES. } No. 44.

Present: Hon. Theo. H. McCaleb.

On motion of A. N. Ogden, Esq. of counsel for the complainant, it is ordered that the commission herein received from M. G. Penn, Esq're be opened.

And on the same day, to wit: the said 23d of March, February Term, 1849, of said court, was also recorded the following

Order.

No. 44. On further motion of A. N. Ogden, Esq. and with the consent of the U. S. Dist. Attorney, it is ordered that the complainant have leave to file her supplemental and amended petition, now brought to the notice of the court.

Whereupon the plaintiff appeared by her attorney and forthwith filed the following

Supplemental Petition.

To the Hon. Theo. H. McCaleb Judge of the District Court of the United States for the District of Louisiana.

The plaintiff by this supplemental and amended petition filed by leave of court, alleges that the said Fergus Duplantier under whom plaintiff claims was the son and one of the heirs of Armand Duplantier deceased, and prays as in her original petition.

(Signed) A. N. OGDEN,
Att'y for Plaintiff.

And thereafter, at the same term, to wit: on the 26th day of March A. D. 1849, the trial of the cause was regularly opened as shewn by the subjoined extract from the minutes, to wit:

JOSEPHINE J. DUPLANTIER
vs.
THE UNITED STATES. } 44.

This cause came regularly up for hearing to-day, A. N. Ogden, Esq: appearing for the Plaintiff; Wm. C. Micon, Esq: for C. and M. Vidal, intervenors, and the U. S. District Attorney for the De-

evidence was offered and read on behalf of the plaintiff and intervenors respectively, all objections thereto being reserved; and the further hearing of the matter was continued until to-morrow, the 27th inst. at 10 A. M.

And be it remembered that the documents this day offered in evidence on behalf of the Plaintiff are the following, hereinafter copied at length:

The Plaintiff offered—

I. *Evidence in Support of "Labatut-claim"* (16.000 *arps.*).

1°. Doc. A entitled "Titulo de 16,000 arpanes de tierra planos, concedidos á Dn. Juan Bautista Labatut, y a Titulo de venta hecha por la Rl. Hacienda" and thus endorsed "Louisiana. Recorded in the office of the clerk to the commissioner of land claims west of Pearl River and east of the Mississippi in lib. 6, W. 4, fol. 762.

"(Signed) CHARLES G. COSBY,
"*Clerk.*"

Which document is in the words and figures following, that is to say:

Don Juan Ventura Morales, Contador de Exercito, Intendente, y superintendente interino de la Provincia de la Florida occidental, Ministro encargado para el arreglo y conclusion de los asuntos de Rl. Hacienda en esta Provincia de la Luisiana.

Por quanto habiendose presentado en este Tribunal Dn. Juan Bautista Labatut, vecino y del comercio de esta ciudad proponiendo comprar á la Rl. Hacienda diez y seis mil arpanes de tierra planos de las vacantes y realengas que se hallaban en el Puesto y distrito de Baton Rouge para formar uno, ó mas establecimientos de frutos y producciones del pais, que pudiesen contribuir al giro de su comercio: Suplicando se le concediesen en los parages que le acomodasen, los que pagaria un tercio de contado, otro en seis meses acontar desde la expedicion del titulo y el ultimo tercio dentro de un año dando las seguridades competentes que en consequencia y para motivar este expediente, mandé que por secretaria se pusiese copia certificada del oficio que pasé á los Sres. Comisarios de la entrega de esta Provincia, de resultas de la solicitud que hizo Dn. Thomas Urquhart de comprar cinquenta mil arpanes de tierra en el mismo Baton Rouge, y de la respuesta que hisieron; y que se diese vista al Sor. Fiscal; que verificados estos pasos y no resultando contradicion á la solicitud, de la respuesta dada por el citado Sor. Fiscal, que opino favorable, y pidiendo se pasase órden al Sor. Coronel Dn. Carlos de Grand-Pré Gobernador y subdelegado de Rl. Hacienda en Baton Rouge, para que nombrase dos habitantes expertos, que en calidad de estimadores, con otros dos que senalase el comprador, y con dos testigos de asis-

tencia, se procediese al justiprecio, apeo, y deslinde de las diez y seis mil arpanes de tierra, y que remetiese las diligencias para lo demas propuesto; que en segunda mandé poner testimonio del decreto con que se pasó á la consulta del Sor. Auditor de Guerra el expediente promovido por el indicado Urquhart, y del dictamen que estendio en consequencia lo que verificado prove auto mandando librar Despacho al enunciado Sor. Gobernador, y subdelegado de Rl. Hacienda como propuso el Sor. Fiscal, y para los efectos que determino, como efectivamte. se verifico: que en virtud del Despacho dio curso el mencionado Sor. Gobernador y subdelegado á las diligencias pedidas; y desde luego se midieron, deslindaron apearon, y amojonaron los diez y seis mil arpanes de tierra; que resultaron planos, en los distritos de Baton Rouge y Feliciana, en cinco distintos parages que se nominaran, con expresion de sus linderos rumbos y colocaciones, para la inteligencia de cada porcion, de las que componen los diez y seis mil arpanes planos, los que se tazaron en catorce mil, dos cientos noventa reales; los seis mil, ciento ócho arpanes, que contienen los tres primeros Planos No. 1665, 1666, y 1667 a nueve sueldos cada uno, y los nueve mil, ócho cientos noventa y dos restantes de los dos ultimos No. 1668, y 1669, a un real, de que mandé dar vista al Sor. Fiscal, quien se conformó con la estimacion y determiné pasase el expediente al agrimensor general Dn. Carlos Trudeau para que examinase las operaciones del particular Dn. Vincente Pintado, y que hallandolas conformes tomase razon en sus libros, certificandolo combeniente y que proveyese de los planos dobles para acompañar con el titulo: que verificadas estas diligencias, por auto de diez y nueve Diziembre anterior aprové la estimacion hecha de los indicados diez y seis mil arpanes de tierra, y dispuse que pasase el expediente a los Sres. Ministros de Rl. Hacienda para que formasen la liquidacion del valor de dichas tierras, y que constando habense hecho el entero en Arcas Rl. de la tercera parte, y afianzadose el resto, como se ofrecio, con la correspondiente á la media annata y diez y ócho por ciento de su conduccion se despachase el titulo de propriedad en forma. Que en este estado, enterado el citado Labatut de la liquidacion formada por el referido Ministerio, propuso estar pronto a satisfacer de contado el importe resultante de las tierras, la media annata, y diez y ócho por ciento de conduccion, suplicando se le admitiese el pago en certificaciones de credito contra estas Rls. Caxas en consideracion al beneficio que resultaba a la Rl. Hacienda, de verificarse el pago por entero: de que di traslado al Sor. Fiscal, y habiendo condecendido á la proposicion provey conforme a ella: en cuya virtud el enunciado Dn. Juan Bautista Labatut éfectuo el pago, y enteró en Arcas Rls. catorce mil, setecientos, once reales, y diez y siete mas.: los catorce mil, dos cientos, noventa de ellos por el valor en que se estimaron los diez y seis mil arpanes de tierra, y los quatro cientos, veinte y un reales, y diez y siete mas. Por el derecho de media annata, y diez y ócho por ciento de su conduccion a los reynos de Castilla: segun se acredita de la carta de

[illegible] por el indicado Ministerio de Rl. Hacienda, con [illegible] y ocho del corriente, que corre colocado en el expediente [illegible] materia, a que merremito. En cuya virtud, constando de los cinco referidos planos y medidas contenidas en ellos de los diez y seis mil arpanes de tierra planos de que se ha hecho mencion, que los ocho cientos veinte y siete de ellos comprehendidos en el primero No. 1665 estan cituados en el distrito de la Feliciana, a quatro millas al este del rio de este nombre, en el pasage vulgarmente llamado *Blak Creek*, lindando por el Nornovueste con tierra de Dn. Jose Bernardo Heria, y vacantes por la del sursudoeste y E. S. E., con tierras tambien vacantes. Que los dos mil setecientos, ochenta y uno contenidos en el segundo Plano No. 1666, se hallan colocados en el distrito de Baton Rouge detras de las tierras altas de Manchack, a ocho millas al E. S. E. de la Aguja puesta en el frente de dicho distrito, lindando por la parte que mira al Norte con tierras apeadas para Dn. José Reynes, por la del Nornordeste y le sueste con tierras vacantes y por la del sur sudoeste con las de Isaac Lottrop, el Sor. Coronel Dn. Gilberto Andry, José Sharp, Viuda Trist, Firmin ó Hipolito Landry, y José Le Blanc. Que los dos mil y quinientos arpanes que Constan del tercero Plano N. 1667 estan cituados igualmente en el distrito de Baton Rouge, a cinco millas y media al Este, del Fuerte, segun la Bruxula, lindando por la parte septentrional con tierras de Dn. Tomas Hutchins por la meridional con otras apeadas para Dn. José Reynas y por la occidental y oriental con tierras valdias. Que el quarto Plano No. 1668 contiene quatro mil, cinquenta y dos arpanes, cituados en la margen occidental del Rio Comit, Jurisdiccion de Baton Rouge, a catorce millas poco mas o menos de la confluencia de dicho Rio, con el Amit, lindando al Norte y oeste, con tierras Valdias, por el sur con el Arroyo del Bosque Roxo, y tierra de Dn. Thomas Urquhart, y por la del Este confinan con el ante dicho Rio Comit; y los cinco mil, ócho cientos, y quarente arpanes restantes, que contiene el Plano No. 1669, y con los que se completan los diez y seis mil de que trata este Titulo, estan cituados en la margen occidental del Rio Comit jurisdiccion de Baton Rouge, a veinte millas poco mas ó menos de la confluencia de dicho Rio con el Amit, y lindando por el N. y E. con tierras vacantes, por la del sur con las de Dn. Thomas Urquhart, y por la del oeste se termina en el antedicho Rio Comit: Por tanto, y usando de las facultades que me son cometidas en nombre del Rey Nro. Señor (Dios le gue.) Concedo á Titulo de Venta al nominado Dn. Juan Bautista Labatut los diez y seis mil arpanes de tierra planos que ha solicitado en el distrito de Baton Rouge donde se han medido, y deslindado á su solicitud, contenidos en los cinco Planos figurativos de que se ha hecho relacion, distinguidos con los numeros de que se ha hecho mencion, los que se colocarán ó uniran á este Titulo para la constancia é inteligencia de lo que ba referido baxo los linderos, rumbos distancias y parages de que se hace mencion en las respectivas medidas, de que resultan los citados Planos; y en consequencia le imparto entero, y directo do-

minio de ellos, para que como proprios suyos, respecto á haberlos comprado, y pagado á la Rl. Hacienda, los posea, cultive y disponga de ellos á su voluntad y le doy poder para que aprehenda la posesion de ellos, y en la que desde luego le pongo, y amparo sin perjucio de tercero que mejor derecho tenga. En fe de lo qual, mandé despacher el presente firmado de mi mano, Sellado con el de mis armas, y refrendado del infrascripto tessro. de Rl. Hacda., quien como la Contaduria pral.: tomará la razon.

Dado en la Nueva Orleans, a veinte de Enero, de mil, ocho cientos quatro. (Enmdo. m. a. Entrereng. el. ve.)

(Signed) JUAN VENTURA MORALES.

Por mdo. del Sor. Intend'te.

[SEAL.] (Signed) CARLOS XIMENES.

Queda tomada razon del Titulo antecedte. desde bta. del 43, harta la 48 inclusivo del libro que esta á mi cargo destinado á el efecto para los de esta clase.

(Signed) CARLOS XIMENES.

Por la contada. pral. del Ministerio de Rl. Haza. de nuestro cargo le tomo razon del titulo antecedente y se notó al folio 39 del libro destinado á este fin.

(Signed) GILBERTO LEONARD.
MANUEL AZMINEZ.

Nueva Orleans primero de Febrero de mil ochocientos quatro.

Recibi del Sor. Auditor de Guerra Dn. Nicolas Maria Vidal, el importe de las costas del Expediente promovido por Dn. Juan Bautista Labatut, en el tribunal de la Intendencia, sobre que se le vendiesen por la Rl. Hacienda diez y seis mil arpanes planos de tierra realenga, y vacante en el distrito de Baton Rouge, por el precio de su estimacion: y asi mismo recibi del dicho Sor. Auditor los derechos del titulo que se libró por el Sor. Intendente a favor del referido Dn. Juan Bautista Labatut en veinte de Enero proximo pasado; como tambien me entregó el mismo Sor. Auditor Dn. Nicolas Maria Vidal en certificaciones de credito de la Rl. Tesoreria, catorce mil, setecientos, once reales y medio del valor de los citados diez y seis mil arpanes de tierra, su media Annata, y diez y ocho por ciento de conduccion; las quales certificaciones de crédito llevé yo personalmente y enteré en las Reales Caxas: y aunque se hissieron los abonos á favor del Comprador Labatut, fue el expresado Señor Auditor quien lo pagó todo. Y para que conste le doy á su señoria el presente, en la ciudad de la Nueva Orleans, á tres de Febrero de 1804.

(Signed) CARLOS XIMENES.

En la ciudad de la Nueva Orleans á veinte y cinco de Febrero del año de mil ochocientos quatro y el vigessimo octavo de la Inde-

[illegible] americana, ante mi el notario y testigos, pareció Dn. [illegible] Bautista Lavatut vecino y del comercio de esta ciudad, á quien [illegible] conozco y dixo y declara, que por encargo y recommendacion del Señor Dn. Nicolas Maria Vidal Theniente Governador y Auditor de Guerra que ha sido en esta Provincia de la Luisiana, y al presente lo es de la Florida occidental, ha comprado de le Real Hacienda diez y seis mil arpanes planos de tierra realenga y vacante en el distrito de Baton Rouge, Manchac y Feliciana, de que se le libro el competente titulo por el Señor Intendente interino Dn. Juan Ventura Morales en veinte de Enero proximo pasado haviendo pagado los derechos de dicho titulo el referido Señor Dn. Nicolas Maria Vidal, como tambien las costas del expediente, los gastos del apeo y medida, el valor de las expresadas tierras, y su media Annata, con el diez y ocho por ciento de su conduccion; en cuya virtud otorga que hace cesion formal, y traspaso de ellas al memorado Señor Dn. Nicolas, para que la posea y goze en propriedad y la pueda vender y enagenar disponiendo á su voluntad como dueño y lexitimo propietares de dichas tierras, segun mejor le combenga, para lo qual le hace entrega formal del insinuado titulo original; y estando presente el referido Señor Dn. Nicolas Maria Vidal, dijo que aceptava y acepta la mencionada cesion y trapaso de los diez y seis mil arpanes de tierra expresados en la comformidan que va referida, y por los motivos que se han expuestos, y empera haver recivido, y tener en su poder el titulo original que va mencionado de que otorga formal recivo; assi lo otorgaran y firmaron siendo testigos Dn. Joaquin Lozan y Dn. Juan Bautista Raminos vecinos y presentes; Juan Bautista Lavatut, Nicolas Ma. Vidal. Ante Mi. Pedro Pedesclaux Noto.

Concuerda con el original a que me refiero, y a pedimt. de parte doy el presente en el dia de su Otorogamento.

(Signed) PEDRO PEDESCLAUX,
Notario.

Translation of the foregoing document A., by Ed. Dauve. Filed November 13th 1846.

I Don Juan Ventura Morales, comptroller for the army, intendant and sup.-intendant pro. temp. of the province of West Florida, officer entrusted with the adjustment and conclusion of the Royal Treasury in the Province of West Florida.

Whereas, Don Juan Baptist La Batut, residing and doing business in this city has presented himself before this tribunal, desiring to purchase from the royal treasury sixteen thousand superficial arpents of land, of those which are vacant and belong to the domain of the King, in the Post and District of Baton Rouge to form one or more establishments to raise fruits and other productions of the country which was contributed to the extension of its commerce; that he Labutat solicits this concession of land in the place above mentioned

and proposes to pay its value, one third in cash & the other two thirds in six and twelve months from the day that a title in due [illegible] will be made out, also to give the necessary securities, I did [illegible] in consequence of said application that a certified copy should be furnished by the secretaryship of the Official Letter addressed by this Intendency to the commissioners appointed for the transfer of this Province, on the subject of the application which was made by Don Thomas Urquhart to purchase fifty thousand arpents of land in the said District of Baton Rouge, also of the answer of the said commissioners, and that these documents be submitted to the (Señor Fiscal) solicitor of the crown; said formalities having been complied with and no opposition been made by the Señor Fiscal to said application, on the contrary expressing himself in favor of it and recommending that an order be given to Colonel Carlos de Grand Pré, Governor and Sub-delegate of the Royal Treasury in Baton Rouge to appoint two persons of experience in order that as appraisers they should with two other persons who are to be designated by the purchaser, also two witnesses proceed to make the appraisement survey, and establish the limits of the said sixteen thousand arpents of land and make a return of these proceedings in order to carry out the object contemplated. I also ordered to be made out a certified copy of the Decree under which the Auditor of War was consulted in relation to the application of the said Urquhart and of the opinion which he (the Auditor of War) gave, this being done I approved the proceedings and directed that an order should be sent to the said Governor and Subdelegate of the Royal Treasury as recommended by the Señor Fiscal and for the object which he determined, which was done. In virtue of said order the Señor Governor and Subdelegate had the proceedings carried on, and the sixteen thousand arpants of land were immediately measured, surveyed, and the boundaries marked with stakes, the land is situated in Baton Rouge and Feliciana in five distinct places, the limits, situation and directions of which will hereafter be given, so that each tract forming these sixteen thousand arpents may be well understood, these sixteen thousand arpents were valued at fourteen thousand two hundred & ninety bits: to wit: six thousand one hundred & eight arpents comprised in the three first plans 1665, 1666, and 1667 at nine cents each, and the nine thousand eight hundred and ninety-two arpents comprised in plans No. 1668 & 1669 at a bit p. arpent which valuation I ordered to be submitted to the Señor Fiscal who approved it and recommended that the proceedings be sent to the Surveyor General, Don Carlos Trudeau in order that he should examine the operations of survey made by Don Vincente Sebastian Pintado, and if he found them correct to enregister them in his books, and furnish duplicate plans to be annexed to the title—those formalities having been complied with, I approved by an act under date of 19 December last the valuation which was made of the said sixteen thou-

arpents of land, and ordered that the proceedings should be sent to the department of the royal treasury in order to have the calculation of the value of the land made out, and on evidence of the payment in the royal coffers of a part of said amount with security for the balance (as was proposed) also the payment of the (media annata) half yearly tribute, and eighteen pr cent for the transportation of the said half yearly tribute, a regular title of property be delivered. The said La Batut being then informed of the amount of the calculation made by the department of the treasury offered to pay immediately the whole amount of the value of said lands, also the half yearly tribute of eighteen pr cent for its transportation and asked that said sum be received in certificates of credit against the royal coffers in consideration of the advantage resulting in favor of the royal treasury by an immediate payment of the entire amount, said proposal was submitted to the Señor Fiscal and having been acceded to by him, I approved it, and consequently the said La Batut did pay the whole amount in the royal coffers, namely fourteen thousand seven hundred and eleven bits and sixteen maravedis—fourteen thousand two hundred and ninety of which are for the value of the said sixteen thousand arpents of land, and four hundred and seventy-one bits and sixteen maravedis for the duty of half yearly tribute & eighteen pr: cent for the transportation of the amount of said duty to the kingdom of Spain, all which is evident & shown in the receipt of payment given by the officers of the royal treasury on the 18th inst., which receipt to which I refer forms part of the proceedings of this case. Therefore from the five plans referred to containing the sixteen thousand superficial arpents of land of which mention has been made it appears that the eight hundred and twenty-seven arpents of the first plan No. 1665 are situated in the District of Feliciana at four miles east of the river of said name (Feliciana) at the place commonly called "Black Creek," bounded on the north northwest by lands of Don José Bernardo de Hevia & vacant lands. On the south south west and east south east also by vacant lands—the two thousand seven hundred and eighty-one arpents in the second plan No. 1666, are situated in the District of Baton Rouge behind the highlands of Manchac at eight miles, to the E. S. E. by compass placed in the fort of the said district, bounded on the side looking to the north by lands surveyed for Don José Reynes, on the north north east and east south east by vacant lands, and on the south south east by the lands of Isaac Lattrop, Col: Don Gilberto Andry, José Sharp, Widow Trist. Firmin or Hypolite Landry, and José Le Blanc. The two thousand five hundred arpents of the third plan No. 1667 are also situated in the District of Baton Rouge at five miles & a half by compass, from the fort, bounded on the north by lands of Don Thomas Hutchins, on the south by lands surveyed for Don José Reynés, and on the west and east by uncultivated lands—the fourth plan No. 1668 con-

tains four thousand & fifty-two arpents situated on the west bank of the river Comite within the jurisdiction of Baton Rouge at four miles more or less of the confluence of said river with the river Amite, bounded on the north and west by lands not cultivated, on the south by the (Arroyo del Bosque Roxo) "Rivulet of Red Wood" and lands of Don Thomas Urquhart, and on the east by the said river Comiti—the fifth plan No. 1669. contains five thousand eight hundred and forty arpents which complete the sixteen thousand arpents mentioned in the proceedings, and the said five thousand eight hundred and forty arpents are situated on the west bank of the river Comite within the jurisdiction of Baton Rouge at twenty miles more or less of the confluence of said river with the river Amite bounded on the N. & E. by vacant lands, on the south by lands of Don Thomas Urquhart, and on the west terminating by said river Comite.

Therefore, in virtue of the power delegated to me, and in the name of his majesty the king (whom may God preserve) I grant under title of sale to the said Don Juan Baptist La Batut, the sixteen thousand superficial arpents of land which he has petitioned for in the District of Baton Rouge, in which place they have at his request been surveyed & measured and are embraced in the five figurative plans of which a description has been above given, which plans will be annexed to the title of property as evidence and understanding or knowledge of all that has been stated in relation to the location of the land, boundaries, distances &c. &c. Consequently I impart to Don Juan Baptist La Batut entire and direct sovereignty over the said sixteen thousand superficial arpents of land, that as his property (having bought and paid the amount due to the royal treasury) he may hold them cultivate them, or dispose of them whenever he may think proper, and I authorize him to take possession of them, which possession I give him at once without prejudice to any third party who might have a better right.

In faith whereof I give these presents, signed with my hand, sealed with the seal of my arms, and countersigned by the undersigned, notary of the royal treasury, who will as well as the department of the treasury register this title.

Given in New Orleans on the twentieth day of January eighteen hundred and four.

(Signed) JUAN VENTURA MORALES.

By order of his Excellency the Intendent
CARLOS XIMENES.

The above title has been registered in the book for that object, and under my charge at folio 43 to 48 inclusive.

CARLOS XIMENES.

The above title has been registered at the department of the royal

treasury in the book for that object and under our charge at [illegible].

(Signed) GILBERTO LEONARD,
MANUEL ARMINEZ.

New Orleans first day of February eighteen hundred and four.

Received from the Auditor of War, Don Nicolas Maria Vidal, the amount of the costs of the proceedings which have taken place in the tribunal of the intendancy in relation to the purchase from the royal treasury by Don Juan Batist La Batut of sixteen thousand superficial arpents of land vacant and of the king's domain, situated in the District of Baton Rouge, sold at the sale of valuation. Received also from the said auditor of war the costs of the title of property which was given his excellency the intendent to the said Don Juan Baptist La Batut on the 20th of January last 1804. The said auditor of war Don Nicolas Maria Vidal, has also paid us in certificates of credit of the royal treasury fourteen thousand seven hundred and eleven bits and a half for the value of the said sixteen thousand arpents of land, and the duty of half yearly tribute & eighteen per cent. for the transportation of the amount of said duty, which certificates of credit I have taken to, and deposited in the royal coffers. I further state that altho' the receipts are in the name of the purchaser Don La Batut, the above mentioned payments have been made by the said auditor of war.

In faith whereof I give these presents to his excellency in the city of New Orleans on the third day of February eighteen hundred and four.

(Signed) CARLOS XIMENES.

In the city of New Orleans on the twenty-fifth day of February of the year eighteen hundred and four and the twenty-eighth of the American Independence.

Before me, notary and the witnesses undersigned, appeared Don Juan Baptist La Batut, inhabitant and merchant of this city, who said and declared that at the request and recommendation of Don Nicolas Maria Vidal who was lieutenant-governor and auditor of war of the province of Louisiana and now of West Florida, he purchased from the royal treasury sixteen thousand superficial arpents of land, vacant, and of the domain of the king, in the district of Baton Rouge, Manchac & Feliciana for which land a regular title was given to him on the twentieth day of January last eighteen hundred & four by Don Juan Ventura Morales, intendent pro temp. and the said Don Nicolas Maria Vidal having paid the duties of said title, costs of proceedings, expenses of the survey and measurement & the value of the said sixteen thousand arpents, also the duty of half yearly tribute & the eighteen pr cent on the transportation of the said duty, he Don La Batut therefore makes a formal cession and transfer of the said lands to Don Nicolas Maria Vidal,

that he may hold enjoy, sell, alienate and dispose of [illegible] he may think proper as his own and lawful property for which [illegible] delivers & makes or transfer to him the original title of which [illegible] tion has been made, and the said Don Nicolas Maria Vidal being present says that he accepts the cession & transfer of the said sixteen thousand arpents of land mentioned in this act and for the reasons therein stated, acknowledging having received and having in his possession the original title for which he gives a formal receipt.

Thus passed and signed by the undersigned witnesses and the parties—Don Joaquin Lozan and Don Juan Baptist Rammos—witnesses—Juan Baptist La Batut—Nicolas Maria Vidal.

Before me:

(Sig'd) P. PEDESCLAUX,
Notary.

A true copy from the original to which I refer. Which copy I give at the request of the parties and on the day it was made out.

(Signed) P. PEDESCLAUX,
Notary.

Endorsement on the original document marked A. of record:

"U. S. Dist. Ct. "16.000 arpents—Labatut claim. Off'd in "evidence by plaintiff, with sale annexed and filed as such Mar. 26, "1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

(*Evidence in Support of Labatut Claim.*)'

2°. *Document* B.

Being five several plans of tracts making up the said 16.000 arpents with certificates thereto attached, as thereinafter appearing from page 44 to page 58 inclusive, of this transcript.

[For map, see original, page 44.]

Don Vicente Sebastian Pintado Capitan de Cavaleria de milicias y segundo agrimensor de esta provincia.

Certifico, aver dado posesion á Don Juan Bautista Labatut, por media de su apodeado en este punto, que lo es don Juan Thibeaut, de un terreno de ochocientos veinte y siete arpanes planos de la medida de Paris segun costumbre agraria en esta Provincia. Cuyo terreno situado en el Distrito de la Feliciana a quatro millas al este del Rio del mismo nombre, en el Parage vulgaremente llamado *Blak Creek*, linda por la parte del Nor Noroeste con tierras solicitadas por don Bernardo de Herias y vacantes, por la del sur sud oeste y E. S. E. con tierras tambien vacantes como mas claramente se

el plano de la Buelta, en el que va figurado el terreno sus dimenciones y sus direcciones, segun la Bruxula los arboles y mojones que sirven de linderos, y los demas confines naturales y artificiales, y linda igualmente por la parte del oeste N. O. con tierras de Santiago foster y vacantes.

Los antedichos ocho cientos veinte y siete arpanes hazen parte de los diez y seis mil arpanes que compra de la Real Hacienda el interesado, mandados á apear y Estimar por auto del senor Intendente général de esta provincia con fecha veinte y ocho Setiembre ultimo, y fueron evaluados, por don Pedro Allin y don Felix Bernardo Dumontier, estimadores, nombrados por parte de la Real Hacienda, y don Phelip Heky y Don Huberto Rowell, por la parte interesada y en presencia de los testigos, Don Antonio Gras y Don Thomas Valantin Dalton, a razon de nueve sueldos por cada arpan plano, lo que visto por el interesado, digo por su apoderado, se conformo y Recivo comprar dho. terreno y de el se dio por entregar a su voluntad. Y lo firmo con los anteds. estimadores y testigos en Baton Rouge a trienta y uno dias del mes de Octubre de mil ochocientos y tres años (assi firmado), John Thebeaut, Vecinte Sebaso. Pintado, Pedro Allin, Felix Bernardo Dumontier, Huberto Rowell, Phelipe Hek, Anto. Gras, y T. V. Dalton, y mas abaxo. En la oficina de agrimensura general se tomo razon del presente plano y relacion sentado en el libro D. No. 4 fol T. Vo. 77, al plano No. 1665, siete Diciembre de mil ocho cientos y tres años firmado, Carlos Trudeau.

Don Carlos Trudeau agrimensor Real y Particular de la Provincia de la Luisiana.

Certifico las presentes copias conforme a su original que se halla agregados á los expedientes del asunto y en virtud del decreto del señor intendente general en fecha seis del presente mes de diciembre. Doy la presente a siete dias de Diciembre de mil ocho cientos y tres años.

(Signed) CARLOS TRUDEAU,
Agor.

[For Map see original, page 47.]

Don Vicente Sebastian Pintado Capitan de Cavaleria de Milicias y Segundo agrimensor de esta Provincia.

Certifico, aver dado posesion a don Juan Bautista Labatut, por medio de su apoderado en este puesto, que lo es don Juan Thibeaut, de un terreno de dos mil setecientos ochenta y un arpan planos de la medida de Paris, segun costumbre agraria en esta Provincia: cuyo terreno situado en el Distrito de Baton Rouge detras de las tierras altas de Manchack y a ocho millas al E. S. E. de la aguja puesta en el fuerte de dho. distrito, linda por la parte que mira al norte con tierras apeadas para don Joseph Reynes, por la que mira al nord-

oeste y el Este sud Este con tierras vacantes, y por la[illegible] sud sud oeste; con las de Isaac Lotrop, el Coronel [illegible] Andry, Joseph Charp, viuda Trist, Firmin ó Hippolite Landry, y Joseph Le Blanc, como mas claro se demuestra en el plano que antecede, en el que va figurado el terreno, con sus dimenciones en perchas lineales, direccs. de la Bruxula, arboles y mojones que sirven de linderos y los demas confines naturales y artificiales.

Los dhos. dos mil setecientos ochenta y un arpan hazen parte de los diez y seis mil arpanes que compra de la Real Hacienda, mandados á medir y apresiar por despacho de la Intendencia general de esta Prova., con fecha veinte y ocho Setiembre, ultimo, y fueron avaluados, a razon de nueve sueldos, cada arpan plano, por los peritos nombrados á este fin, que lo fueron, Don Pedro Allin, y Don Felix Bernardo Dumontier, por parte de la Real Hacienda, y Don Phelipe Heky y Don Huberto Rowell por la del interesado, y a presencia de los testigos, Don Antonio Gras y Don Valentin Thomas Dalton, lo que visto por el antedo. apoderado se conformo y recivo como recive comprado dho. terreno y de el se dio por entregado a su voluntad y lo firmo con los anteds. estimadores y testigos, en Baton Rouge a treinta y un dia del mes de Octubre de mil ochocientos y tres años (asi firmado) Jean Thibeaut, Vicente Sebasto. Pintado, Pedro Allain, Felix Bernardo Dumontier, Huberto Rowell, Phelipe Heky, Antonio Gras, y V. T. Dalton, y mas abajo.

En la oficina de agrimensura general se tomo razon del presente plano y relacion sentado en el libro D. No. 4 fol. y vl. 78 al No. 1666 de los planos de apeo siete de Diciembre, de mil ochocientos y tres años, firmado Carlos Trudeau, Agsor.

Don Carlos Trudeau Agrimensor Real y Particular de esta Provincia de la Luisiana, &a.

Certifico las presentes copias conformo a los originales que se hallan agregados a los expedientes del asunto y en virtud del decreto del Señor Intendente general en fecha seis del presente mes doy las presentes a siete Diciembre de mil ochocientos y tres años.

(Signed) CARLOS TRUDEAU,
Agsor.

[For Map see original, page 50.]

Don Vicente Sebastiano Pintado Cavaleria de milicias y segundo agrimr. de esta Provincia.

Certifico, que fue medido y lindado a favor de Don Juan Bautista Labatut, un terreno de dos mil y quinientos arps. planos medidos a la percha de Paris de diez y ocho pies de la misma ciudad, contando cien perchas planas por arpan segun costumbre agraria en esta Provincia, cuyo terreno situado en el Distrito de Baton Rouge, a cinco millas y media al Este (segun la bruxula) del fuerte de dho. puesto; linda por la parte septentional, con tierras de don Thomas Hutchins,

...ridional con dhas. apeadas para dcn Joseph Reynes y por ... occidental y oriental con tierras baldias, la figura del terreno es ... paralelogramo rectangulo o quadrado perfecto, cuyos limites cor... en, ó se dirigen azia la profondidad, al Norte ochenta grados Este ... la bruxula, declinando esta de ocho grados al N. E. como todo se ...emuestra en el plano de la buelta, en el que van figurados, los ...rboles y mojones que sirven de linderos, y los demas confines natu...rales y artificiales.

Los dhos. dos mil quinientos arpanes, hazen parte de los diez y ...eis mil arpanes, que el interesado compra de la Real Hacda., man...lados a medir y estimar por despacho de la Intenda. general de estas Provincias, con fecha veinte y ocho de Setiembre ultimo. Y fueron ...valuados por los peritos, Don Pedro Allin y don Felix Bernardo Dumontier por parte de la Real Hacienda y don Phelipe Heky y ...on Huberto Rowell nombrados por el apoderado de la parte intere...ada, que lo es don Juan Thibeaut, y con asistencia de los testigos ...on Antonio Gras y don Thomas Valantin Dalton, a razon de nueve ...esos fuertes por cada cien arpanes planos, lo que visto por el ...ntedo. apoderado, se conforme y recivo como recive comprada dho. ...rreno y de el se dio por entregado á su voluntad, y lo firmo con ...os anteds. estimadores y testigos, en Baton Rouge, a treinta y un ...ias del mes de Octubre de mil ochocientos y tres años. (asi firmado) ...ean Thibeaut, Vicente Sebastiano Pintado, Pedro Allin, Felix Ber...ardo Dumontier, Huberto Rowell, Phelipe Hicky, Antonio Gras, y .... T. Dalton. (y mas abajo)

En la oficina de agrimensura general, se tomo razon del antecedente ...lano y relacion, sentado en el libro D. No. 4 fol. y vo. 79, al plano ...o. 1667 de los apeos. Siete Diciembre de mil ocho cientos y tres ...ños, firmado Carlos Trudeau.

Don Carlos Trudeau, Agrimensor Real y Particular de la Pro...incia de la Luisiana, &a.

Certifico las presentes copias conforme a los originales que se ...allan agregados a los expedientes del asunto y en virtud del decreto ...l Señor Intendente genl. en fecha seis del presente mes de Di...embre doy la presente a siete dias del mes de Diciembre de mil ocho ...entos y tres años.

(Signed) CARLOS TRUDEAU,
Ag. rl.

[For map see original, page 53.]

Don Vicente Sebastiano Pintado, capitan de cavaleria de milicias ... segundo agrimr. de esta Provincia. Certifico, que fue dada po...esion a Don Juan Ba. Labatut por medio de su apoderado en este ...uesto que lo es Don Juan Thibeaut, de un terreno de quatro mil y ...inquenta y dos arpanes planos, medidos á la percha de Paris de ...iez y ocho pies de la misma ciudad, contando cien perchas planos

al arpan, segun costumbre agraria de esta Provincia; los que [illegible] parte de los diez y seis mil arpanes que el interesado compra de [illegible] Real Hacienda, mandados a medir y estimar por despacho de [illegible] Real Intendenda. gral. con fecha veinte y ocho Setiembre ultimo, librado al Señor Don Carlos de Grand-Pré, Coronel de los Reales Exs. Gobernador de estos etablecimientos y subdelegado de la Intendencia general por cuyo señor me fue notificado dho. auto. El terreno esta situado en la margen occidental del Rio Comit, jurisdiccion de Baton Rouge, a catorze millas poco mas ó menos de la confluencia de dho. Rio con el Amit, y linda la parte del Norte y oeste, con tierras Baldias, por la del sur, con el Arroyo del Bosque Roxo y tierras de Don Thomas Urquhart, y por la del este confina con el antedo. Rio Comit, como mas ampliamente manifieste el plano que antecede, en el que va figurado el terreno con sus dimenciones, direcciones arboles y mojones que sirven de linderos, y los demas confines naturales y artificiales, &a.

Los dhos. quatro mil y cinquenta y dos arps. fueron avaluados en el precio y suma de quatro mil y cinquenta y dos Reales de plata fuertes por los peritos nombrados á este fin, que lo son dn. Pedro Allin y don Felix Bernardo Dumontier, por parte de la Real Hacienda, y don Huberto Rowell y don Phelipe Heky, por el apoderado del interesado, y a presencia de los testigos, Don Antonio Gras y don Thomas Valentin Dalton lo que visto por el antedo. apoderado, se conformo y Recivo como Recive dho. terreno en la forma que va dho. y figo. y de el se dio por entregado á su voluntad, y lo firmo con los anteds. Estimadores y testigos, en Baton Rouge a treinta y uno dias del mes de Octubre de mil ochocientos y tres años.

Nota. las lettras iniciales T U que se pusieron en los arboles marcados con las marcas de costumbre y linderos que son X O no tiene analogua con el nombre del interesado pues con los comunamente usadas en los linderos de don Thomas Urquhart, para que fue escogida y marcada esta tierra, pero haviendose completado el antedo. sin essa se destino a don Juan Bautista Labatut (assi firmado) Juan Thibeaut, Vicente Sebastiano Pintado, Pedro Allin, Felix Berno. Dumontier, Huberto Rouell, Phelipe Heky, Antonio Gras & V. T. Dalton, y mas abaxo esta lo que sigue. en la oficina de agrimensura general se tomo la razon del antecedente plano y relacion, sentado en el libro D. No. 4 fol: y vo. 80, alplano No. 1668 de los apeos. Siete de Diciembre de mil ocho cientos y tres años, firmado. Carlos Trudeau.

Don Carlos Trudeau, agrimensor Real y Particular de la Provincia de la Luisiana.

Certifico las presentes copias conforme a los originales que se hallan agregados en los expedientes del asunto y en virtud del decreto del señor intendo. general en fecha seis del presente mes de Diciembre. Doy la presente á siete Diciembre, de mil ochocientos y tres años.

(Signed) CARLOS TRUDEAU, *Agro.*

[For Map see original, page 56.]

Don Vicente Sebastiano Pintado, Capitan de Cavaleria de milicias y segundo agrimensor de esta Provincia, &a., &a.

Certifico, que fue dada posesion a don J. Ba. Labatut, de un terreno de Cinco mil ochocientos y quarenta arpanes planos, yen su nombre, a su apoderado en este puesto don Juan Thibeaut, los que fue medidos á la percha de paris de dies y ocho pies de la misma ciudad, contando cien perchas planas per arpan segun costumbre agraria en esta provincia; lo que hazen parte de los diez y seis mil arpanes que el interesado compra de la Real Hacienda, mandados á medir y apreciar por despacho de la Intendencia general de estas provincias, confecha veinte y ocho de Setiembre ultimo, librado el señor Don Carlos de Grand-Pré, Coronel de los Reals Exs. gobernador de estos establecimientos y subdelegado de la Intendencia general per cuyo señor me fue notificado; dicho terreno esta situado en la margen oriental del Rio Comit, jurisdiccion de Baton Rouge, á veinte millas poco mas ó menos de la confluencia de dho. Rio con el amit, lindando por la parte del N. y E. con tierras vacantes per la del sur con dho. compradas per Don Thomas Urquhart, y per la del oeste se termino en el antedo. Rio Comit, como todo se demuestra ampliamente en el plano de la Buelta, en el que va figurado el terreno, con sus dimenciones y direcciones de la Bruxula, la vereda que va a casa de Heriquel Williams, que pasa por la parte superior del terreno, los arboles y mojones que sirven de linderos y los demas confines naturales y artificiales. Los dhos. cinco mil ocho cientos y quarenta arps. fueron estimados por los peritos nombrados á este fin; y que son Don Pedro Allin, Don Felix Bernardo Dumontier por parte de la Real Hacienda y Don Huberto Rowell y don Phelipe Heky nombrados por el apoderado de la parte Interesada, y con asistencia de los testigos don Antonio Gras y Don Thomas Valentin Dalton y de unanime acuerdo avaluaron dhos. peritos el antedo. terreno entero en la suma de cinco mil ochocientos y quarenta Reales de plata fuerte, lo que visto por Don Juan Thibeaut se conformo y Recivo dho. terreno y de el se dio por entregado á su voluntad, y lo firmo con los anteds. Estimads. y testigos en Baton Rouge á treinta y uno dias del mes de Octubre de mil ochocientes y tres años. Nota, la diferéncia que puede observarse en el nombre de un arbol, y la distancia de otro, en la linea divisoria, entre este terreno y el de siete mil arpanes de don Thomas Urquhart, es por aver sido apeado, cada terreno por agrimensor diferente, comisionado a este fin y que en sus notas se halla esta diferencia, las lettreas B. S. W. A. F. K.) y otras que no tiene analogua con el nombre del interesado, son letras hachas por otros individuos que avian escogido y marcado dha. tierra para solicitarla en compra, lo que no hizieron (assi firmado) Juan Thibeaut, Vecinte Sebastiano Pintado, Pedro Allin, Felix Bernardo Dumontier, Huberto Rowell, Phelipe Heky, Antonia Gras, y V. T. Dalton (y mas abaxo se halla.)

En la oficina de agrimensura general se tomo Razon, Del plano y relacion que antecede, sentado en el libro D, No. 4, folo. y Vo. 81, Plano No. 1669, de los aps. siete diciembre—de mil ochocientos y tres años—firmadó Carlos Trudeau. agr.

Don Carlos trudeau, agrimensor Real y particular de la Provincia de la Luisiana, &a.

Certifico las antecedentes copias conforme a los originales que se hallan agregados á los expedientes del asunto y en virtud del decreto, del señor Intendte. géneral en fecha seis del presente mes de deciembre. Doy la presente, a siete del mes de deciembre de mil ochocientos y tres años.

(Signed) CARLOS TRUDEAU.

Endorsement on the foregoing Doc. B.

"U. S. Dist. Court, Labatut claim, off'd in evidence by Plaintiff.

"ROBR. M. LUSHER,

"Mar. 26, 1849." *Dy. Clerk.*

Translation of certificates to foregoing Doc. B. made by Ed. Laure & filed, Nov. 13 1846.

1°. Under plan No. 1665, for which, see page 44 of this transcript.

I, Don Vicente Sebastian Pintado, captain of cavalry of militia and deputy surveyor of this province do hereby certify having given possession to Don Juan Baptista Labatut thro' his agent in this post, Don Juan Thibeaut, of a tract of land of eight hundred and seventy seven surperficial arpents (by measurement of the city of Paris, agreeably to the agrarian custom of this province) and that said tract is situated in the district of Feliciana, at four miles east of the river of said name (Feliciana) at the place commonly called Black Creek, bounded on the north north west by lands solicited by Don Bernardo de Heria, and vacant lands, on the south south west and east south east by vacant lands also, all which is clearly shewn in the foregoing plan, in which plan said tract is represented with dimensions and directions by the compass, also the trees and land marks which serve of boundaries and other natural and artificial limits—said tract is also bounded west north west by lands of Santiago Foster and vacant lands—these eight hundred and twenty seven arpents are part of the sixteen thousand arpents which the party in interest did buy from the royal treasury, and which were ordered to be surveyed and appraised by a decree from his excellency the Intendant General of this province under date of 28 September last, and were appraised by Don Pedro Allin and Don Felix Bernardo Dumontier, appraisers on behalf of the royal treasury, and Don Philip Hickey and Don Huberto Rowell on behalf of the party in interest, and in the presence of the witnesses Don Antonio Gras, and Don Thomas Valentin Dalton at nine cents per superficial arpent

which valuation when submitted to the agent of the party in interest was approved by him, receiving said tract as bought, acknowledging its delivery to his satisfaction, and did sign these presents with the said appraisers & witnesses in Baton Rouge on the 31 day of the month of October 1803. Thus signed, John Thibeaut, Vincent Sebastian Pintado, Pedro Allin, Felix Bernardo Dumontier, Huberto Powell, Philipe Hecky, Antonio Gras & T. V. Dalton; and below is stated that the above plan & explanations have been registered in the office of general mensuration in book D to 4, folio 77 plan No. 1665 this 7th of December 1803.

(Signed) CARLOS TRUDEAU.

I, Don Carlos Trudeau royal & special surveyor of the province of Louisiana do certify the above to be a true copy of the original annexed to the proceedings, and in virtue of the decree of his excellency the intendant general, of the sixth of this month, I give these presents on the 7th of December 1803.

CARLOS TRUDEAU,
Roy. Surveyor.

Under Plan No. 1666, for which see page 47.

I, Don Vicente Sebastian Pintado, captain of cavalry of militias, and deputy surveyor of this province, do certify having given possession to Don Juan Baptista Labatut thro' his agent in this place Don Juan Thibeaut, of a tract of land containing two thousand seven hundred & eighty one superficial arpents (by measurement of the city of Paris agreeably to the agrarian custom of this province) & that the said tract is situated in the district of Baton Rouge behind the highlands of Manchac & at eight miles to the E.S.E. by compass in the fort of said district, bounded on the side looking to the north by lands surveyed for Don José Reynes, on the north west & east south east by vacant lands, and on the south south west by the lands belonging to Isaac Lattrop, Col. Don Gilberto Andry, Joseph Sharp, Widow Trist, Firmin or Hippolite Landry, and Jose Le Blanc all which is amply shown in the plan which precedes and which represents said tract with its dimensions & directions by the compass, also the trees and landmarks serving as boundaries & other natural & artificial limits the above 2781 arpents are part of the 16,000 arpents which the party in interest did buy from the royal treasury and which were ordered to be surveyed and appraised by a decree from his excellency the intendant general of this province, under date of 28 September last and which were appraised by Don Pedro Allin & Don Felix Bernardo Dumontier appraisers on behalf of the royal treasury, and Don Philipe Hicky & Don Huberto Rowell on behalf of the interested party, and in the presence of the witnesses Don Antonio Gras & Don Thomas Valentin Dalton at the rate of nine cents per superficial arpent, which valuation having been shown

to the agent of the party in interest was approved by him, receiving said tract as purchased and acknowledging the delivery thereof to his satisfaction & who did sign these presents with the said appraisers and witnesses in Baton Rouge on the 31 day of the month of October 1803—thus signed, Jean Thibeaut, Vincent Sebastian Pintado, Pedro Allin, J. Bernardo Dumontier, Huberto Rowell, Philipe Hicky, Antonio Gras, and V. T. Dalton, and below—

The above plan and recital have been registered in the office of general mensuration in book D No. 4 folio 78 & the plan numbered 1666 on this 7th day of December 1803.

(Signed) CARLOS TRUDEAU.

I, Don Carlos Trudeau Royal & Special Surveyor of the Province of Louisiana, do certify the above to be a true copy from the original which is annexed to the proceedings and in virtue of the decree of his excellency the Intendant General, under date of 6th instant, I give these presents, on the seventh day of December eighteen hundred and three.

CARLOS TRUDEAU,
Roy. Surveyor.

Under Plan No. 1667, for which, see page 50.

I Don Vincente Sebastian Pintado, Captain of Cavalry of militias, and Deputy Surveyor of this province do certify that there has been measured for Don Juan Baptist Labatut, and the boundaries defined & marked, a tract of land of two thousand & five hundred superficial arpents (by measurement of the perch of Paris of 18 feet of said city & counting 100 superficial perches to the arpent, agreeably to the agrarian custom of this province) which tract is situated in the District of Baton Rouge at five miles & a half by compass from the fort of the said place, bounded on the north by lands of Don Thomas Hutchins, on the south by lands surveyed for Don Jose Reynes, and on the west and east by lands not cultivated, the form of said tract is a rectangular parallelogram, or perfect square, the limits of which run or extend in the direction of the depth, north eighty degrees east by the compass, the variation of which is eight degrees to the north east all which is clearly demonstrated in the plan annexed in which plan the trees and mounds which serve of boundaries and other natural and artificial limits are represented, said 2500 arpents are part of the 16,000 arpents which the party in interest did buy from the royal treasury, and which were ordered to be surveyed and appraised by a decree from his excellency the intendant general of this province, under date of 28th of September last, and which were appraised by Don Pedro Allin & Don Felix Bernardo Dumontier, appraisers on behalf of the royal treasury, and Don Philipe Hicky & Don Huberto Powell on behalf of the party in interest, and in the presence of the witnesses Don Antonio Gras and Don T. V. Dalton

at the rate of nine dollars each 100 superficial arpent, which valuation being submitted to the agent of the party in interest was approved by him, receiving said tract as purchased acknowledging its delivery to his satisfaction & signed these presents with the said appraisers & witnesses in Baton Rouge on the 31st day of the month of October 1803. Thus signed, Jean Thibeaut, Vincent Sebo. Pintado, Pedro Allin, F. Bernardo Dumontier, Huberto Powell, Philip Hicky, Antonio Gras & V. T. Dalton—and below.

The above plan and recital have been registered in the office of gen. mensuration in book D No. 4 folio 79 & the plan numbered 1667. This seventh day of December 1803.

(Signed) CARLOS TRUDEAU,
Roy. Surveyor.

I, Don Carlos Trudeau Royal and Special Surveyor of the Province of Louisiana, do certify that the above is a true copy of the original which is annexed to the proceedings and I give these presents in virtue of the decree of his excellency, under date of 6th instant, this seventh day of December eighteen hundred and three.

CARLOS TRUDEAU,
Roy. Surveyor.

Under plan No. 1668; for which, see page 53.

I Don Vicente Sebastian Pintado Captain of Cavalry of Militias, and Deputy Surveyor of this province hereby certify having given possession to Don Juan Baptist Labatut thro' his agent in this place, Don Juan Baptist Thibeaut of a tract of land containing four thousand and fifty two superficial arpents by measurement of the perch of Paris of eighteen feet of said city & counting 100 sup. perches to the arpent agreeably to the agrarian custom of this province, which 4052 arpents are part of the 16,000 arpents which the party in interest did buy from the royal treasury and which were ordered to be surveyed & appraised by a decree from the general intendancy under 28 of September last sent to Don Carlos de Grand Pré Colonel of the royal armies, Governor of the post of Baton Rouge and sub. delegate of the general intendency of which decree I was notified by the said Don Carlos de Grand Pré. Said tract is situated on the west bank of the River Comite within the jurisdiction of Baton Rouge at fourteen miles more or less of the confluence of said river with the River Amite, bounded on the north & west by lands not cultivated. On the south by the rivulet of Red Wood and lands of Don Thomas Urquhart, and on the east by the said River Comite, all which is amply demonstrated in the foregoing plan in which said tract is represented with its dimensions, directions, the trees & land marks which serve as boundaries & other natural & artificial limits. These 4052 arpents were valued at four thousand & fifty-two bits of silver by the appraisers appointed for

that object, namely, on behalf of the royal treasury, Don Pedro Allin & Don Felix Bernardo Dumontier, on behalf of the party in interest Don Hubert Powell & Don Philip Hicky, and in the presence of the witnesses Don Antonio Gras & Don Thomas Valentine Dalton, which valuation on being shown to the agent of the party in interest was approved by him, receiving said tract as purchased & acknowledging the delivery thereof to his satisfaction—and he did sign these presents with the said appraisers and witnesses in Baton Rouge on the 31st day of the month of October 1803.—thus signed—Jean Thibeaut, Vincent Sebastian Pintado, Pedro Allin, F. Bernardo Dumontier, Huberto Powell, Philip Hicky, Antonio Gras, and V. T. Dalton—and below—

The above plan and recital have been registered in the office of general mensuration in book D No. 4 folio 80 & the plan numbered 1668, this seventh day of December 1803.

(Signed) CARLOS TRUDEAU.

I, Don Carlos Trudeau Royal & Special Surveyor of the Province of Louisiana do certify that the above is a true copy from the original, which is annexed to the proceedings, and in virtue of the decree of his excellancy the intendant general, under date of 6th instant—I give these presents this seventh day of December eighteen hundred and three.

CARLOS TRUDEAU,
Roy. Surveyor.

Under plan No. 1669; for which see page 56.

I, Don Vincente Sebastian Pintado, Captain of Cavalry of Militias, & Deputy Surveyor of this province, do certify having given possession to Don Juan Baptist Labatut thro' his agent in this place, Don Juan Thibeaut, of a tract of land containing five thousand eight hundred & forty superficial arpents by measurement of the perch of Paris of eighteen feet of said city & counting 100 superficial perches to the arpent, agreeably to the agrarian custom of this province, which 5840 arpents are part of the 16,000 arpents which the party in interest did buy from the royal treasury, & which were ordered to be measured & appraised by an order from the general intendancy dated 18 of September last, directed to Don Carlos de Grand-Pré, Colonel of the Royal Armies, Governor of the Post of Baton Rouge & Sub. Delegate of the General Intendancy, of which order I was notified by this said Carlos de Grand-Pré. Said tract is situated on the east bank of the River Comite within the jurisdiction of Baton Rouge at twenty miles more or less of the confluence of said river with the River Amite, bounded on the N. and E. by vacant lands, on the south by lands bought by Don Thomas Urquhart, and on the west it terminates on said River Comite, all which is amply demonstrated in the foregoing plan in which plan said tract is re-

...with its dimensions and directions by the compass, also the path leading to the house of H. Williams at the upper part of said tract, the trees & land-marks which serve of boundaries and other natural & artificial limits—these 5840 arpents were appraised by the appraisers named for that object namely, Don Pedro Allin & Felix Bernardo Dumontier on behalf of the Royal treasury, and Don Huberto Powell & Don Philip Hicky on behalf of the party in interest, and as witnesses Don Antonio Gras & Don Thomas Valentine Dalton, and the said appraisers did agree & valued the said 5840 arpents at five thousand eight hundred and forty bits of silver, which valuation having been submitted to the agent of the party in interest was approved by him receiving said tract as purchased & acknowledging the delivery thereof to his satisfaction and he the said agent did sign these presents with the said appraisers and witnesses in Baton Rouge on the 31st day of October of the year 1803.

Remarks or notes.—The difference which may be observed in the name of a tree & its distance from another in the boundary line between this tract and the one of 7000 arpents of Don Thomas Urquhart is in consequence of each tract having been surveyed by different surveyors commissioned to make out said Surveys which difference is to be found in their returns of survey, the letters B. S. W. A. F. K. and others having no analogy with the name of the party in interest are letters made by other individuals who had selected and marked said tract of land with a view or intention to purchase it, and have not done so—thus signed—Juan Thibeaut, Vincent Sebastian Pintado, Pedro Allin, F. Bernardo Dumontier, Huberto Powell, Philip Hicky, Antonio Gras, and V. T. Dalton—and below.

The above plan and recital have been registered in the office of Gen: Mensuration in Book D. No. 4 folio 81. and the plan numbered 1669 this seventh day of December 1803.

(Signed) CARLOS TRUDEAU.

I. Don Carlos Trudeau Royal and Special Surveyor of the Province of Louisiana, do certify the above to be a true copy from the original which is annexed to the proceedings, and in virtue of a decree from his excellency the Intendant General under date of sixth instant, I give these presents on this seventh day of the month of December eighteen hundred and three.

CARLOS TRUDEAU,
Roy: Surveyor.

Nota.—The two foregoing documents A. and B. (embraced between pages 21 and 68) were admitted in evidence by the court and read, no objections being raised as to the admissibility thereof.

Attest: ROBR. M. LUSHER,
Dy. Clerk of the Court.

Third. — The plaintiff offered—Document F. entitled thus: "Plaza de Baton Rouge."

Año de 1807.

"Testimonio de las diligencias obrados en esta Plaza, para la venta de dies y seis mil Arpanes de tierra que pertenecian al difunto Sor. Auditor de Grra. Dn. Nicolas Ma. Vidal en Virtud de despacho librado por el tribunal de la Plaza de Panzacola."—Which document is in the words following, viz:

Dn. Vicente Folch y Juan, Coronel de los Rs. Exercitos Gobernador Militar y politico de la Provincia de la Florida occidental por S. M. &a. Dn. Carlos Howard coronel de los Rs. Extos, teniente coronel y commandante Militar y Politico interino de esta Provincia de la Florida occidental. Al Sor. Dn. Carlos de Grand Pré coronel de los Rs. Exercitos, Gobernador de Baton Rouge &a. Participo como en las diligencias de la mortuoria del Sor. Dr. Dn. Nicolas Ma. Vidal Auditor de Guerra provei un despacho cuyo tenor es como sigue. Vistos librese despacho en forma al Sor. Gobernador de Baton Rouge, Coronel Dn. Carlos de Grand-Pré, para que proceda á la venta y remate de contada de los dies y seis mil arpanes de tierra situados en aquel territorio, de la propriedad del Sor. Auditor difunto dandose tres pregones con intermedio de nueve dias en cada uno, precediendo su justiprecio por peritos, y anunciandolo por carteles que hará fixar en parages mas publicos, y no habiendo postor para el todo, se haran las divisiones mas comodas que sean admisibles, de todo lo que dara cuenta remitiendo, ó librando con toda seguridad la cantidad que remitaré de dicho remate siendo del cargo de Dn. Franco. Gutierrez de Arroyo proporcionar á dicho Sor. Gobernador los titulos de dominio del mencionado terreno, mediante que en el tiene hipotecado su credito—Howard—Hernandez. Proveylo el Sor. Dn. Carlos Howard Coronel de los Rs. Extos, Teniente Coronel y comandante del Regimiento de Infanteria de la Luisiana y comandante Militar y Politico interino de esta Provincia de la Florida occidental que lo firmo con dictamen del Sor. Auditor de Guerra en Panzacola á diez y ocho de Septiembre de mil ocho cientos y seis. Fransco. Xavier Navarro. Francisco de Barrios. Como consta del original a que me remito, y para que se dé el cumplimiento á lo dispuesto mandé librar el presente en Pancacola á veinte y seis de Septiembre de mil ochocientos seis. Carlos Howard. Por mandado de Su Señoria. Francisco Xavier Navarro. Franco. Barrios. Dn. Juan Forbes vecino del comercio de esta Plaza en las diligencias de la testamentaria del difunto Sor. Auditor de Guerra Dn. Nicolas Maria Vidal, en la forma que mas haya lugar digo: Que en consequencia de Providencia de este Tribunal de dies y ocho de Septiembre del año proximo pasado, se libro despacho al Sor. Gobernador de Baton Rouge Dn. Carlos de Grand-Pré, para que procediese á la venta de diez y seis mil Arpanes de Tierra de la pertenencia de dicho Sor. difunto para satisfacer los

cuatro mil pesos que quedo debiendo á Dn. Franco. Gutierres de Arroyo por quien represento en dichas diligencias en las que he hecho constar el derecho de preferencia que tiene al pago con respecto á la escrituria hipotecaria presentada por mi, y quando esperaba ser terminado este punto, tengo entendido que el referido Gobernador Grand-Pré por motivos de que no tengo conocimiento se separó de dar cumplimiento á dicho despacho devolviendolo á este Tribunal, cuyo atrazo como se deja ver, resulta en notorio perjuicio del citado Arroyo, y de los demas interesados en la misma succession que han depositado su confianza en mi para que represente de derecho y acciones, por lo que no puedo menos de protestar, como protesto, los daños perjuicios y menoscabos que resulten contra quien haya lugar, pidiendo y suplicando al Tribunal se me admite dicha protesta en devida forma, y en su virtud que se libre nuevo despacho al susodicho Sor. Gobernador Grand-Pré para que sin perdida de tiempo proceda á la venta de los expresados diez y seis mil arpanes de tierra en el modo que esta dispuesto, y con la condicion de que si no llegasen las posturas que se hagan á los quatro mil pesos de la acreencia de Arroyo, y las costas que puedan causarse suspenda su remate dando aviso á este Tribunal con el expediente para que en el se determine lo que sea de justicia por tanto a V. S. suplico se sirva mandar y determinar como pido. juro no proceder de malicia y en lo necessario. Panzacola siete de Julio de mil ochocientos y siete. Juan Forbes.

Vistos sobre cartese el despacho mandado librar para la venta de la tierra de la propriedad del Sor. Auditor difunto en que se incertará el escrito antecedente para que el Sor. Coronel Dn. Carlos de Grand-Pré Commandante del Puesto de Baton Rouge proceda al cumplimiento de lo mandado baxo las responsabilidades necesarias por su defecto. Folch, Hernandez.

Proveyolo el Sor. Dn. Vicente Folch y Juan Coronel de los Rs. Extos. Gobernador Militar y Politico de la Provincia de la Florida occidental por S. M. &a. que lo firmo con dictamen del Sor. Auditor en Panzacola á los once dias del mes de Agosto de mil ochocientos y siete. Franco. de Barrios, Domingo Sousa. Como consta del original á que me remito y para que se de cumplimento á lo dispuesto mandé librar el presente en Panzacola á viente y seis de Agosto de mil ochocientos y siete. Vicente Folch, Por mandado de su Señoria Franco. Barrios, Domingo Sousa.

En la Plaza de Baton Rouge, à los veinte y cinco dias del mes de Septiembre de mil ochocientos y siete; yo Dn. Carlos de Grand-Pré Coronel de los Rs. Extos. Gobernador Militar y Politico de la referida Plaza y su jurisdiccion. Habiendo recibido el antecendente despacho librado en la Plaza de Panzacola, por el Tribunal del Sor. Gobirnador de la Provincia, para que se proceda por mi á la venta de la tierra de la propriedad del difunto Sor. Auditor Dn. Nicholas Maria Vidal, baxo las responsabilidades necessarias por su defecto, en virtud de la protesta que hizo la parte interesada con motibo de haber yo debuelto el primer Despacho por las poderosas razones que de oficio

he comunicado, y a que inalterablemente me atengo para dar cumplimiento a lo mandado por dho. Sor. Gobernador de esta Provincia en su decreto de once de Agosto Ultimo, nombro de testigos de asistencia por falta de Escribano publico á Dn. Eulogio de Casas Granda Almacen de esta Plaza y á Dn. Martin Visoso vecino de ella quienes estando presente ofrecieron bazo el debido juramento de exercer bien y fielmente este encargo y lo firmaronlo conmigo Carlos de Grand-Pré Eulogio de Casas, Martin Visoso.

Baton Rouge veinte y cinco de Septiembre de mil ochocientos y siete. Debiendose justipreciarlos diez y seis mil arpanes de tierra á que se refiere el anterior Despacho, conforme en el se previene, nombro por Peritos á Dn. Philipe Hicky y Dn. Franco. Herault Vecinos y habitantes de este distrito á quienes se les hará saber para su aceptacion jurada y fixente desde luego carteles en todos los parages mas publicos de esta jurisdiccion anunciando el primero pregon para el dia treinta del corriente: el segundo para el nueve de Octubre proximo, y el tercero para el diez y ocho del mismo en cuyo dia se remataria en el mayor postor. Carlos de Grand Pré.

En dho. dia mes y año nosotros los testigos notificamos el anterior nombramto. á Dn. Philipe Hickey, damos fe. Eulogio de Casas Martin Visoso.

En el mismo dia lo hicimos saber a. Dn. Franco. Herault, damos fe. Eulogio de Casas, Martin Visoso.

En la plaza de Baton Rouge á los veinte y seis dias del mes de Septiembre de mil ocho cientos siete, ante el Sor. Gobernador de ella, se presentaron Don Phelipe Hicky, y Dn. Franco. Herault. Peritos nombrados por dicho Sor. quienes enterados de este nombramiento dixeron lo aceptaban y prometieron baxo el juramento en forma que cada uno hizo de por si, de cumplir fiel y legalmente segun su mejor saber y entender, y lo firmaron con nosotros los testigos que damos fe. Carlos de Grand-Pré, Phelipe Hicky, Franco. Herault, Eulogio de Caras Martin Visoso.

Seguidamente ante el referido Sor. Gobernador y nosotros los testigos, procedieron los Peritos mencionados en la diligencia que antecede, a la estimacion de los diez y seis mil arpanes de tierra planos de que se trata y habiendose enterado de la cantidad, calidad y situacion de ellos con los Titulos y planos á la vista dixeron que las estimaban y estiman a razon de tres reales cada arpan; en fe de lo qual lo firmaron con dho. Sor. Gobernador, y nosotros los testigos que damos fe. Carlos de Grand-Pré, Phelipe Hicky, Franco. Herault, Eulogio de Casas, Martin Visoso.

En la Plaza de Baton Rouge á los treinta dias del mes de Septiembre de mil ochocientos y siete: el Sor. Dn. Carlos de Grand-Pré Coronel de los Rs. Extos. Gobernador Militar y Politico de dicha plaza y su jurisdiccion, estando en la sala de audencia, acompañado de nosotros los testigos, por voz del Pregonero Juan Poret, se sacaron al Pregon los diez y seis mil arpanes de tierra planos de la pertenencia del difunto Sor. Auditor Dn. Nicolas Maria Vidal, situados en los distintos parages de este distrito que espresan los titulos y planos

que se pusieron de manifiesto, con la circunstancia de que su importe será pagado de contado y en este estado se presento el Ayudante de Milicias Dn. Antonio Cruzat, he hizo postura en dos mil pesos, y siendo ya las doce del dia y no presentandose otra persona que ofreciese mas se concluyó esta diliga., y el expresado Dn. Antonio Cruzat se obliga a la seguridad de esta postura en tal forma que no tendra quiebra, y si la tubiese la pagará en qualquiera contidad, or por qualquier razon que sea por su persona y bienes habido y por haber y da poder à las justicias de S. M. para que lo apremien como por sentencia pasada en cosa juzgada, y renuncia las leyes de su favor y la general de Derecho, y lo firmo con dicho Sor. Gobor. y nosotros los testigos que damos fe. Carlos de Grand-Pré, Antonio Cruzat, Juan Poret, Eulogio de Caras, Martin Visoso.

En la referida plaza á los nueve dias del mes de Octubre de mil ochocientos y siete; el Sor. Gobernador de ella, estando en le sala de audencia acompañado de nosotros los testigos, se pregonaron segunda vez por voz del pregonero Juan Poret los diez y seis mil arpanes de tierra de la partenencia del difunto Sor. Auditor Dn. Nicolas Maria Vidal, y sobre los dos mil pesos en que las tiene puestas el Ayudante Dn. Antonio Cruzat, comparecio Dn. Samuel Fulton, y la pusó a dos mil y cien pesos, y el expresado Dn. Antonio Cruzat la subio á dos mil y tres cientos pesos, y siendo ya las doce dadas, y no presentandose otra persona que ofreciese mas, se concluyo esta diligencia, y el expresado Dn. Antonio Cruzat se obliga a quanto tiene otorgado en la primera postura. En cuyo testimonio lo firmo con nosotros los testigos que damos fe. Carlos de Grand-Pré, Antonio Cruzat, Juan Poret, Eulogio de Caras, Martin Visoso.

En la Plaza de Baton Rouge, a los diez y ocho dias del mes de Octubre de mil ocho cientos y siete; el Sor. Don Carlos de Grand-Pré, Coronel de los Rs. Extos. Gobernador Militar y politico de la referida plaza y su distrito, estando en la sala de audencia, accompañado de nosotros los testigos, para proceder al remate de los diez y seis mil arpanes de tierra planos de la pertenencia del difunto Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal, situados en los diferentes parages de esta jurisdiccion que se expresaran. Ocho cientos veinte y siete arpanes en el distrito de la Feliciana a quatro millas al este del Rio de este nombre en el parage vulgarmente llamado Black Creek, lindando por el N. N. O. con tierras de Dn. José Berndo. de Hevia, y vacantes por la del S. S. O. y S. S. E. con tierras tambien vacantes. Dos mil setecientos ochenta y un arpanes en el distrito de Baton Rouge, detras de los tierras altas de Manchack, a ocho millas al E. S. E. del Fuerte, lindando por la parte que mira al Norte con tierras apeadas para Dn. José Reynes; por la del N. N. O. y E. S. E. con tierras vacantes, y por la del S. S. O. con las de Isaac Lotrop, el Sor. Coronel Dn. Gilberto Andry, José Sharp, Viuda Trist, Firmin ó Hipolito Landry y Jose LeBlanc. Dos mil y quinientos arpanes en el mismo distrito a cinco millas y media al este del fuerte lindando por la parte septentrional con tierras de Thomas Hutchins; por la meridional con otras apeadas para Dn.

José Reynes, y por la occidental y oriental con tierras valdias. Quatro mil cinquenta y dos arpanes en la margen occidl. del Rio Comit, a catorce millas poco mas ó menos de la confluencia de dho. Rio con el Amit, lindando al Norte, y Oeste con tierras valdias, por el sud con el arroyo del Bosqueroxo, y tierras de Dn. Thomas Urquhart y por la del Este Confinan con el antedicho Rio Comit. Y los cinco mil ochocientos y quarenta arpanes restantes, estan situado en la margen oriental del Rio Comit a veinte millas poco mas o menos de su confluencia con el Amit, que todo junto forman los diez y seis mil arpanes de que se trata, todo conforme al titulo en forma y planos originales que se pusieron de manifiesto se hizo saber por voz del pregonero Juan Poret, de que se ivan a vender dichos diez y seis mil arpanes de tierra, con la condicion de que su importe será pagado de contado, y sobre los dos mil y trescientos pesos en que los tenia puestos Dn. Antonio Cruzat; parecio Dn. Armand Duplantier, y los pusó á tres mil pesos. Seguidamente Dn. Antonio Cruzat los pusó á tres mil y quinientos pesos; Dn. Armand Duplantier los pusó á quatro mil pesos; Dn. Antonio Cruzat a quatro mil y cinquenta pesos; Dn. Armand Duplantier adelanto la postura á quatro mil y cien pesos, y siendo ya cerca de las doce del dia mandé avisar la voz del pregon, y a percibir de remate, lo que verificado en toda forma de Estilo y no adelantandose por persona alguna la ultima postura, hecho el ultimo apercibimiento, se hizo el remate en el referido Dn. Armand Duplantier que está presente quien lo acepta por la dha. cantidad de quatro mil y cien pesos de contado, con lo que se concluyó esta diligencia que firmo con el Sor. Gobernador, y nosotros los testigos que damos fe. Carlos de Grand-Pré, Armand Duplantier, Juan Poret, Eulogio de Caras, Martin Visoso.

Sor. Gobor. Dn. Armand Duplantier vecino de esta Plaza, con la mayor atencion a V. S. expone que en el dia de hoy, le han sido rematados diez y seis mil arpanes de tierra, que pertenecian al difunto Sor. Auditor Dn. Nicolas Maria Vidal, en la cantidad de quatro mil y cien pesos que debe pagar de contado; pero como ha llegado á entender que esta suma debe remitirse á Panzacola, y teniendo el Suplicante fondos suficientes con que satisfacerla en aquella Plaza, evitandose por ese medio los riesgos y gastos de su transporte, pro tanto. A V. S. suplica se sirva permitirle el que haga dho. pago en la referida Plaza de Panzacola, por medio de su Apoderado en ella, pues está pronto a dar las fianzas que fuesen necesarias para seguridad de que asi lo executará. Baton Rouge diez y ocho de Octubre de mil ocho cientos y siete. Armand Duplantier.

Baton Rouge dies y ocho de Octubre de mil ochocientos y siete. Se admite la oferta que hace el suplicante de entregar en Panzacola á disposicion de aquel tribunal, los quatro mil y cien pesos en que le fueron adjudicads los diez seis mil arpanes de tierra de la pertenencia del difunto Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal, siempre y quando presente la fianza que promete y que sea sugeto abonado que se constituya responsable de las resultos, respecto á ser notorio las ventajas que resultan de hacerlo asi, evitandose los

costo de su conduccion, y los riesgos, y dificultades de su transporte á aquella Plaza. Grand-Pré.

En dho. dia mes, y año nosotros los testigos, hicimos saber el decreto qe. antecede á Dn. Armand Duplantier, de que damos fe. Eulogio de Carras. Martin Visoso.

En la Plaza de Baton Rouge á los dies y nueve dias del mes de Octubre de mil ochocientos y siete, ante mi Dn. Carlos de Grand-Pré Coronel de los Rs. Extos Gobernador Militar y Politico de la referida Plaza y su Distrito, y de los testigos Dn. Eulogio de Carras y Dn. Martin Visoso, comparecio Dn. Armand Duplantier quien dixo, que se obliga á entregar en la Plaza de Panzacola á disposicion de aquel tribunal los quatro mil y cien pesos en que le fueron rematado los diez y seis mil arpanes de tierra de la pertenencia del difunto Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal, y para seguridad de que asi lo executará presenta por su fiador á Dn. Samuel Fulton vecino y habitante de este distrito, quien estando presente dixo: que haciendo de causa agena suya propria, se constituia fiador del referido Dn. Armand Duplantier, hizo, llano y abonado, de tal manera que si retardase, ó dexase de cumplir lo que lleva otorgado, lo executará el como tal su fiador, a cuyo cumplimiento ambos obligaron sus personas y bienes habidos y por haber, dan aqui por incenta la clausula guarentigir y renuncian las leyes de su favor con la gral. en forma que lo prohibe. En cuyo testimonio lo firmaron conmigo y los testigos que dan fe. Armand Duplantier, Samuel Fulton, Carlos de Grand-Pré, Eulogio de Caras, Martin Visoso.

Sor. Gobor. Dn. Armand Duplantier Capitan de Milicias y habitante de esta jurisdiccion, cómo mas haya lugar en derecho ante V. S. me presento y digo. Que en dies y ócho de Octubre del año proximo pasado me fueron rematados por ese tribunal, y en virtud de Despacho librado por el de la Plaza de Panzacola, diez y seis mil arpanes de tierra de la pertenencia del difunto Sor. Auditor Dn. Nicolas Ma. Vidal, en la cantidad de quatro mil y cien pesos, los mismos que me obligué á entregar en la referida Plaza de Panzacola, mediante la fianza que para ello otorgué; pero habiendose presentado mi apoderado en ella para satisfacer la expresada suma, no fué admitida por aquel tribunal, por razones que ignoro: en esta virtud, y teniendo aqui prontos dhos. quatro mil y cien pesos: V. S. se ha de servir mandar de reciban en deposito a fin de descargarme de toda responsabilidad: por tanto. A V. S. suplico se sirva proveer y mandar como pido por ser de justicia, y juro lo necesario, &a. Armand Duplantier.

Baton Rouge tres de Marzo de mil ochocientos y ocho. No pudiendo alterar en nada lo que fué prevenidor en el despacho sobre la venta, y pago en la Plaza de Panzacola del producto de los tierras del difunto Sor. Dn. Nicolas Ma. Vidal Auditor de Guerra de esta Provincia, el qual despacho con las diligencias obrados con arreglo a lo antedho. prevenido, se debolvio original de oficio, é ig-

norandose igualmente el resultado de ellas, y menos lo que pueda haber ocurido no se juzga aproposito, mientras haya noticia de oficio inovar en el particular de este asunto, admitiendo aqui el deposito de la suma que se propone, no puede recibirse por ahora, respecto á los referidos motivos. Grand Pré.

En dho. dia, mes y año lo hicimos saber á Dn. Armand Duplantier, damos fe, Eulogio de Caras, Martin Visoso.

Es conforme á la copia certificada de las diligencias originales que se remitieron á la Plaza de Panzacola, ye se halla en los Archivos de este Gobierno, a que me remito, y esta se saca á solicitud de Dn. Armand Duplantier, escrita en nueve foxas utiles de papel comun per no estar en uso el sellado en esta provincia.

Dada firmada de mi mano, y sellado con el sello de mis armas en Baton Rouge á cinco de Junio de mil ochocientos y ocho años.

[SEAL] (Signed) CARLOS DE GRAND-PRÉ.

Endorsement on the foregoing Doc: F.—"Labatut claim. U. S. "Dist. Court, No. 44. Annexed to deposition of Ls. Bouligny, "Mar. 13, '49. Robr. M. Lusher, dy. Comm'r.

"Off'd in evce.—Objected to by Dist. Atty. & filed, Mar. 26 '49.

"ROBR. M. LUSHER,

"*Dy. Clk.*"

Fourth.—The plaintiff offered Document H entitled thus: "10 Julio 1808" "Baton Rouge Año de 1808;" "Testimonio No. 46.

"Venta de diez y seis mil arpanes de tierra en diferentes porciones, de la pertenencia del difunto Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal en virtud de nuevo despacho del tribunal de Panzacola anulando la primera venta, que se habia verificada en consequencia de otro despacho antr. del mismo tribunal."—which document reads as follows, to wit:

Don Vicente Folch y Juan Coronel de los Rs. Extos., Gobernador Politico y Militar de esta Provincia de la Florida occidental, y inspector de las tropas veteranas y Milicias de ella, vice patron-Real, Juez, subdelegado de la super-Intendencia General de Correos por S. M. Al Sor. Dn. Carlos de Grand-Pre Gobernador y Comandte. del Puesto de Baton Rouge, hago saver que á consequencia de lo representado por parte de los acreedores y heredores del Difunto Dor. Dn. José Maria Vidal en los autos de su mortuoria ha recaido el dictamen, y decreto que su tenor es cómo sigue. Panzacola y Abril seis de mil ochocientos y ocho.

Mediante á que en la junta celebrada en primero de Diciembre del año po. po. se acorda la venta de las tierras de estos vienes situados en Baton Rouge con el plazo de un año y en paños distintos, y cuyo acuerdo ha quedado firme por haverse mandado satisfacer con fianza á Dn. Franco. Gutierrez de Arroyo los quatro mil pesos de su co-

hallasé hipotecada en la propria tierra; siendo por consequencia nula y de ningun efecto la venta que de ella se hubiese celebrado en virtud de la anterior concurrencia por haberse esta imbalidado segun el recurso que oportunamente hicieron contra ella los demas acreedores: librese nuevo despacho al Sor. Gobernador Comandante de Puesto de Baton Rouge, con incercion de esta providencia para que disponga, se pregonen otra vez, por el termino de derecho los referidos paños de tierra, deviendolos rematar en el major postor con plazo de un año para la exhivision del precio, y en distantas porciones proporcionados, baxo la misma estimacion ó abaluo que se hizo de ellas. Facense los ultimos cortos y paguense del dinero existente mediante la proximidad del punto, Folch, Hernandez.

Y para que lo referido tenga su puntual cumplimiento mandé librar el presente en Panza á nueve de Abril de mil ochocientos y ocho años, Vicente Folch, Por Md. des Sria. Domingo Sousa, Anastacio Montes de Oca.

En la Plaza de Baton Rouge á los diez y ōcho dias del mes de Mayo de Mil ocho cientos y ocho: yo Dn. Carlos de Grand-Pré coronel de los Rs. Extos. Gover. Militar y Politico de la referido Plaza y m Distrito; para dar cumplimiento al antecedente despacho librado por el tribunal de la Plaza de Panzacola por el que dando por nula y de ningun efecto, la venta que en virtud de otra providencia anterior del mismo Tribunal de once de Agosto del año po. po. se verificó en esta, de las tierras de la testamentaria del difto. Sor. Auditor de Guerra Dn. Nicolas Maria Vidal, manda se vuelvan á vender y rematar en el mejor postor con plazo de un año para la exhibicion del precio; y respecto á no haber en toda la extencion de este Distrito escribano publico para que atcue en estas diligenas. nombro de testigos de asistencia á Dn. Eulogio de Casas, Granda Almacen de esta Plaza y á Dn. Martin Vivoso vecino de ella quienes estando presentes aceptaron este encargo y ofrecieron baxo juramento de exercerlo fiel y legalmte. y lo firmaron conmigo. Carlos de Grand-Pré, Eulogio de Casas, Martin Vioso.

Baton Rouge 29 *de Mayo de* 1808.

Hagase Saber á Dn. Armand Duplantier, á quien en virtud del primer Despacho librado por el Tribunal de la Plaza de Panzacola, fueron rematados las tierras de la testamentaria del difunto Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal, debuelva los planos y titulos de ellas que en su consequencia se le habian entregado mediante haberse anulado aquella venta por nueva providencia del mismo Tribl. y en caso de ausencia, notifiquese á su apoderado si lo tubiese en esta Plaza y su Distrito. Grand-Pré.

Notifon. A los treinta dias del mes de Mayo de dho. año nosotros los testigos de asistencia, solicitamos la persona de Dn. Armand Duplantier para notificarle el antecedte. decreto y se nos informó hallarse ausente de este Distrito y que Dn. Hipolite Fivollier le representa en esta Plaza mediante el Poder Gral. que le tiene otorgado

por cuya causa hicimos saber al expresado Fivollier el citado Decreto y Contexto, que los Planos y titulos de la tierras que fueron rematadas á Dn. Armand Duplantier deben hallarse en poder de este y que como el nuevo despacho librado por el Tribunal de Panzacola en que se anula dha. venta, es gravatoria y perjudicial á los interesos del expresado Duplantier, en nombre de este, no podia menos de protestar como protesta los daños perjuicios y menos cabos que resulten contra quien haya lugar, suplicando al Tribunal le admita dha. protesta en debida forma, y para que conste lo firmo con nosotros los testigos. Hiplite. Trivollier. Martin Visoso. Eulogio de Casas.

Primer Pregon. En la Plaza de Baton Rouge á los nueve dias del mes de Juinio de mil ochocientos y ocho. El Sor. Dn. Carlos de Grand-Pré Coronel de los Rs. Extos. Gobernador Militar y Politico de la referida Plaza y su Distrito; estando en la sala de audencia acompañado de nosotros los testigos pa. proceder al primer pregon de los diez y seis mil arpanes de tierra del difto. Sor. Auditor de Guerra Dn. Nicolas Maria Vidal en distintas porciones, precedidos los correspondientes avisos al Publico que se dieron por carteles que se fixaron con anticipacion en todos los parages de este Distrito de mas concurrencia, se sacaron al Pregon, por voz del pregonero Juan Poret, ochocientos veinte y siete arpos. de superficie situados en el Distrito de la Feliciana á quatro millas al Este del Rio de este nombre en el parage vulgarmente llamado Black Creek, lindando por el N. N. O. con tierras de Dn. José Bernardo Hevia y vacantes; por la del S. S. O. y S. S. E. con tierras tambien vacantes, pagadero al plazo de un año, confianza é hipoteca sobre la misma tierra y aunque se siguio pregonando esta, y las demas porciones separadamte. hasta las doce del dia, no se presentó persona alguna que hiciese postura en ellas por cuya causa se concluyo esta diligencia que firmo dho. Sor. Gobr. con nosotros los testigos; y Pregonero. Carlos de Grand-Pré. Eulogio de Casas. Martin Visoso. Juan Poret.

2º Pregon. En la referida Plaza á los diez y ocho dias del mes de Junio de mil ochocientos y ocho; el referido Sor. Gobernador, estando en la sala de audencia acompañado de nosotros los testigos para proceder al segundo pregon de las tierras de la testamentaria del difunto Sor. Andisor de Guerra Dr. Nicolas Ma. Vidal, en distintas porciones, se pregonaron estas hasta las doce del dia, y no pareciendo nadie que hiciese postura en ellas se concluyó esta diligencia que firmo el Sor Gobr. con nosotros los testigos, Carlos de Grand, Pré, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 827 arps.

En la Plaza de Baton Rouge á los veinte y siete dias del mes de Junio de mil ochocientos y ocho: El Sor. Dn. Carlos de Grand Pré Coronel de los Rs. Extos Gobernador Militar y Politico de dha. Plaza y su Distrito. Estando en la Sala de Audencia acompañado de nosotros los testigos, para proceder al remate de los diez y seis mil arpanes de tierras de la

pertenencia del difunto Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal en distantas porciones, y baxo la misma estimacion ó abaluo que anterioramente se hizo de ellos con plazo de un año para la exhivision del precio segun esta prevenido, y confianza e hipoteca sobre las mismas tierras, para su seguridad aunque esta ultima circunstancia no esté mencionada en el Despacho, y habiendose enterado al Publico de estas condiciones se sacaron al Pregon por voz del Pregonero Juan Poret, ochocientos veinte y siete arpanes de superficie situados en el Distrito de la Feliciana á quatro millas al Este del Rio de este nombre en el parage vulgarmt. llamado Black Creek, lindando por el N. N. O. con tierras de Dn. José Berndo. Hevia y vacantes, por el S. S. O. y S. S. E. con tierras tambien vacantes; parecio Dn. Luis Valentin Foelkelle y los pusó á un real cada arpan segundamente se presento Dn. Sabbin Perrin que los pusó á un real y medio el arpan: Dn. Thomas Estevan á dos reales el arpan: Dn. Luis Valentin Foelckelle a dos reales y quartilla el arpan, y Dn. Sabin Perrin á dos reales y medio el arpan, y aunque se hicieron muchos apercibimientos no parecio quien pusase por cuya causa, hecho el ultimo apercibimiento, se hizo el remate dando la forma ordinaria, y el dicho Dn. Sabin Perrin que esta presente acepto el remate por el referido precio de dos reales y medio cada arpan, pagadero al plazo de un año, y para su seguridad a mas de la hipoteca, presento por su fiador á Dn. Franco. Hérault, vecino y habitante de este Distrito quien dixo, que haciendo de causa agena suya propria se constituia y constituyo fiador del referido Dn. Sabin Perrin libre llano y abonado de tal manera que si este no cumpliese con la paga al plazo señalado, lo executara el como su fiador, a cuyo cumplimiento ambos obligaron sus personas y bienes havidos y por haver dan poder á las justicias de S. M. para que se les áprenie a ello, como por sentencia consentida y pasada en autoridad de cosa juzgada, y renuncian las leyes de su favor con la gral. en forma que lo prohibe. Y para que conste lo firmaron con el Sor. Gobor. testigos y pregonero, Carlos de Grand-Pré, Sabin Perrin, Franco. Herault, Eulogio de Casas, Martin Visoso, Juan Poret,

Remate de 2781 arpanes.

Segundamente se pregonaron en altas e intelegibles vozes, dos mil setecientos ochenta y un arpanes de superficie situados en el Distrito de Baton Rouge, detras de las tierras altas de Manchack á ócho millas al E. S. E. del Fuerte lindando por la parte que mira al Norte con tierras apeadas para Dn. José Reynes; por la del N. N. O. y E. S. E. con tierras vacantes, y por la del S. S. O. con las de Isaac Lotroop, el Sor. Coronol Dn. Gilberto Andry, José Sharp, Viuda Trist, Fermin e Hipolite Landy, y José Le Blanc; y habiendose presentado Dn. Antonio Gras, los pusó á un real el arpan: Dn. Luis Foelckelle á un real y medio, y Dn. Sabin Perrin á dos reales cada arpan, y aunque se hicieron muchos apercibimientos no parecia quien ofreciese mas, por cuya causa hecho el ultimo apercibimiento se livro el remate dando la buena pro en la forma ordinaria, y el dicho Sor. Dn.

Sabin Perrin que esta presente acepto el remate por el referido precio de dos reales cada arpan con las condiciones estipuladas y para seguridad del pago presenta por su fiador á Dn. Franco. Hérault vecino y habitante de este distrito quien dixo que haciendo de causa agena suya propria se constituia y constituyo por fiador del referido Dn. Sabin Perrin en los mismos terminos que lo tiene otorgado en la diligencia que antecede. Y para que conste lo firmaron con el Sor. Goberr., testigos, Carlos de Grand-Pré, Sabin Perrin, Franco. Herault, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 2500 arpanes.

Segundamente se pregonaron en altas e inteligibles voces, y baxo las mismas condiciones que los antecedentes; Dos mil y quinientos arpanes de tierra de superficie situados en este distrito á cinco millas y media al Oeste del Fuerte, lindando por la parte septentrional con tierras de Thomas Hutchins, por la meridional con otras apeadas para Dn. José Reynes, y por la occidl. y oriental con tierras valdias y habiendose presentado Dn. Antonio Cruzat los pusó á un real y medio cada arpan: Dn. Antonio Gras á un real y tres quartillas. Dn. Antonio Cruzat á dos reales cada arpan, y Dn. Sabin Perrin á dos reales y quartilla, y aunque se hicieron muchas apercibimientos no parecio quien ofreciese mas por cuya causa hecho el ultimo apercibimiento se hizo el remate dando la buena pro en la forma ordinaria, y el espresado Dn. Sabin Perrin que esta presente aceptó el remate por los referidos dos reales y quartilla cada arpan pagadero al plazo de un año, y para su seguridad, á mas de la hipoteca presenta por su fiador á Dn. Franco. Herault vecino y habitante de este distrito quien dixo que haciendo de causa agena suya propia se constituia y constituyó fiador del referido Dn. Sabbin Perrin, en los mismos terminos que lo tiene otorgada en las diligencias que anteceden. Y. para que conste lo firmaron con el Sor. Goberndr. testigos, y Pregonero, Sabin Perrin, Franco. Herault, Cárlos de Grand-Pré, Eulogio de Casas, Martin Visoso Juan Poret.

Remate de 4052 arps.

En el mismo dia, mes, y ano, el referido Sor. Gobernador estando en la Sala de Audencia, accompañado de nosotros los testigos, para continuar la venta de las tierras del difunto Sor. Auditor Dn. Nicolas Ma. Vidal, se pregonaron en altas e inteligibles vozes, quatro mil cinquenta y dos arpanes de tierra de superficie, situados en la margen occidental del Rio Comit, á catorce millas poco mas ó menos de la confluencia de dho. Rio con el Amit, lindando al Norte, y oeste con tierras valdias, por el Sur con el Arroyo del Bosque Roxo y tierras de Dn. Thomas Urquhart, y por la del Este confinan con el ante dho. Rio Comit: y habiendose presentado Dn. Roberto Percy, los puso á un real y medio cada arpan: Dn. Luis Valentin Foelckelle á un real y tres quartillas, y Dn. Sabbin Perrin los pusó á dos reales cada arpan, y aunque se hicieron muchos apercibimientos no parecio quien ofreciese mas, por cuya causa hecho el ultimo apercibimte. se hizó el remate, dando la buena pro en la forma ordinaria, y el expresado Dn. Sabbin

1283.

acepto el remate por el referido precio de dos reales cada arpan pagadero al plazo de un año, y para su seguridad presenta por su fiador, a Dn. Franco. Herault, vecino y habitante de esta plaza quien estando presente dixo que haciendo de causa agena suya propria se constituia y constituyo fiador del expresado Dn. Sabbin Perrin, hizo, llano, abonado, y si al tiempo, señalado no cumpliese con la paga, lo hará el como tal su fiador á cuyo cumplimiento, obligaron sus bienes presentes y futuros, con poderio de justicia &a. y para que conste lo firmaron con el Sor Goberr. testigos y Pregonero. Sabbin Perrin, Francisco Herault, Carlos de Grand-Pré, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 5840 arpanes.

Segundamente se pregonaron en altas e intelligibles vozes cinco mil ochocientos y quarenta arpanes de superficie situados en la margen oriental del Rio Comit, a veinte millas poco mas ó menos de su confluencia con el Amit; y habiendo parecidos Dn. Thomas Estevan los pusó á un real cada arpan. Dn. Antonio Gras á un real y medio, y Dn. Sabin Perin á dos reales cada arpan y aunque se hicieron muchos apercibimientos no parecia quien ofreciese mas, pro cuya causa hecho el ultimo apercibimiento se hizo el remate dando la buena pro en la forma ordinaria. y el expresado Dn. Sabin Perrin aceptó el remate por los nominados dos reales cada arpan y presenta por su fiador a dn. Franco. Herault, quien estando presente dixo que se constituia y constituyo fiador del expresado Perrin, en los mismos terminos que lo tiene otorgado en la diligencia que antecede. Y para que conste lo firmaron con el Sor. Gobernador, testigos y Pregonero, Perrin, Francisco Herault, Carlos de Grand-Pré, Eulogio de Casas, Martin Visoso, Juan Poret.

Baton Rouge 30 *de Junio de* 1808.

Remitase este expediente al Tribunal de la plaza de Panzla. Sacandose testimonio de el que quedara archivado en la Secretaria de esta Gobno.—Grand-Pré.

Es conforme á sus originales, remitidos á la Plaza de Panzacola y se saca esta para quedar en esta Secreta. de Gobierno.

(Signed) CARLOS DE GRAND-PRE.

Baton Rouge 10 de Julio de 1808.

Endorsement on the foregoing Document II.:

"U. S. Dist. Court. Labatut claim, H. Annexed to deposition "of Ls. Bouligny, Mar. 18, 1849.

"ROBR. M. LUSHER,
"*Commr.*"

"Off'd in evce.—objected to by Dist. Atty.—admitted, subject to "exceptions & filed Mar. 26, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Fifth.(a)—The Plaintiff offered—Document *H. A.*, being a copy of an act of sale (public) in the Spanish tongue; which document reads as follows:—

Remate de 829 arpanes.

En la Plaza de Baton Rouge á los veinte y siete dias del mes de Junio de mil ochocientos y ocho: El Sor. Dn. Carlos de Grand-Pré, Coronel de los Rs. Extos., Gobernador Militar y politico de dha. plaza y su distrito: Estando en la sala de audiencia, acompañado de nosotros los testigos, para proceder al remate de los dies y seis mil arpanes de tierra de la pertenencia del difunto, Sor. Auditor de Guerra Dn. Nicolas Ma. Vidal, en distintas porciones, y baxo la misma estimacion ó abaluo que anteriormente se hizo de ellos con plazo de un año para la exhibicion del precio, segun está prevenido, y confianza é hipoteca sobre las mismas tierras, para su seguridad, aunque esta ultima circunstancia no esté encercionada en el despacho, y habiendose enterado al publico de estas condiciones, se sacaron al Pregon por voz del Pregonero Juan Poret, ochocientos veinte y siete arpanes de superficie situados en el distrito de la Feliciana á quatro millas al Este del Rio de este nombre en el parage vulgarmente llamado "Black Creek," lindando por el N. N. O. con tierras de Dn. Joseph Bernado Hevia y vacantes, por el S. S. O. y S. S. E. con tierras tambien vacantes, parecio Dn. Luis Valentin Foelkell y los pusó á un real cada arpan, seguidamente se presentó Dn. Sabin Perrin qe. los puso à un real y medio el arpan: Dn. Thomas Estevan á dos reales el arpan; Dn. Luis Valentin Foelkell á dos reales y quartilla el arpan, y Dn. Sabin Perrin á dos reales y medio el arpan, y aunque se hicireron muchos apercibimientos no parecio quien pusase, por cuya causa hecho el ultimo apercibimiento, se hizo el remate dando la buena pro en la forma ordinaria, y el dicho Dn. Sabin Perrin que esta presente acepto el remate por el referido precio de dos reales y medio cada arpan pagadero al plazo de un año y para su seguridad á mas de la hipoteca, presenta por su fiador á Dn. Francisco Hérault, vecino y habitante de este distrito quien dixo que haciendo de causa agena suya propia se constituia y constituyo fiador del referido Dn. Saben Perrin, hizo llano y abonado de tal manera que si este no cumpliese con la paga al plazo señalado, lo executara el como su fiador, a cuyo cumplimiento ambos abligaron su personas y bienes havidos y por haber, don poder á las justicias de S. M. para que se les apremie á ello, como por sentencia consentida y pasada en autoridad de cosa juzgada, y renuncian las leyes de su favor, con la gral. informa que lo prohibe. Y para que conste lo firmaron con el Sor. Gobernador testigos y pregonero. Carlos de Grand-Pré, Sabin Perrin, Franco. Hérault, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 2781 arpanes.

Seguidamente se pregonaron en altas e inteligibles, vozes, dos mil setecientos ochenta y un arpanes de superficie situados en el distrito de Baton Rouge detras de las tierras altas de Manchack á ocho millas al E. S. E. del Fuerte, lindando por la parte que mira al Norte con tierras apeadas

Dn. José Reynes; por la del N. N. O. y E. S. E. con tierras vacantes, y por la del S. S. O. con las de Isaac Latropo, el Sor. Coronel Dn. Gilberto Andrey, José Sharp, Viuda Trist, Ferimin y Hypolite Landry y Jose Le Blanc: y habiendose presentado Dn. Antonio Gras, los puso á un real el arpan; Dn. Luis Foelkell á un real y medio, y Dn. Sabin Perrin a dos reales cada arpan, y aunque se hizieron muchos apercibimientos, no parecio quien ofreciese mas, por cuya causa hecho el ultimo apercibimto. Se hizo el remate dando la buena pro en la forma ordinaria; y el dicho Dn. Sabin Perrin que está presente accepto el remate por el referido precio de dos reales cada arpan con las condiciones estipuladas y para seguridad del pago, presenta por su fiador á Dn. Franco. Herault vecino y habitante de este distrito quien dixo q^e^. haciendo de causa agena suya propria se constitutia y constituyo fiador del referido Dn. Sabin Perrin en los mismos terminos q^e^ lo tiene otorgada en la diligencia que antecede. Y para que conste lo firmaron con el Sor. Gobernador, Testigos, Carlos de Grand-Pré, Sabin Perrin, Franco. Herault, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 2500 arpanes.

Seguidamente se pregonaron en altas e inteligibles vozes, y baxo las mismas condiciones que los antecedentes: Dos mil y quinientos arpanes de tierra de superficie situados en este Distrito á cinco millas y media al Este del Fuerte, lindando por la parte septentrional con tierras de Thomas Hutchins, por la meridional con otras apeadas para Dn. Jose Reynes, y por la occidental y oriental con tierras valdias, y habiendose presentado Dn. Antonio Cruzat los pusó á un real y medio cada arpan; Dn. Antonio Gras a un real y tres quartillas; Dn. Antonio Cruzat á dos reales cada arpan; y Dn. Sabin Perrin á dos reales y quartilla, y aunque se hicieron muchos apercibimientos no parecio quien ofreciese mas, por cuya causa hecho el ultimo apercibimiento se hizo el remate dando la buena pro en la forma ordinaria, y el expresado Dn. Sabin Perrin que esta presente acceptó el remate por los referidos dos reales y quartilla cada arpan pagadero al plazo de un año, y para su seguridad, a mas de la hipoteca, presenta por su fiador á Dn. Franco. Herault vecino y habitante de este distrito quien dixo que haciendo de causa agena suya propria se constituya y constituyó fiador del referido Dn. Sabin Perrin, en los mismos terminos que la tiene oborgado en las diligencias que anteceden. Y para que conste lo firmaron con el Sor. Gobernador, Testigos y Pregonero, Sabin Perrin, Franco. Herault, Carlos de Grand-Pré, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 4052 arpanes

En el mismo dia, mes y año el referido Sor. Gobernador estando en la sala de audiencia acompañado de nosotros los testigos para continuar la venta de las tierras del difunto Sor. Auditor Dn. Nicolas Ma. Vidal, se pregonaron en altas e inteligibles vozes, quatro mil, cinquenta y dos arpanes de tierra de superficie situados en la margen occidental del Rio Comit, a catorce millas poco mos *ó* menos de la confluencia de dho. Rio con

el Amit, lindando al Norte y oeste con tierras valdias, por el [illegible] el arroyo del Bosque Roxo y tierras de Dn. Thomas Urquhart, y por la del este confinan con el antedho. Rio Comit, y habiendose presentado Dn. Roberto Percy los pusó á un real y medio cada arpan: Dn. Luis Valentin Foelkelle á un real y tres quartillas, y Dn. Saben Perrin los puso á dos reales cada arpan, y aunque se hicieron muchos apercibimientos no parecio quien ofreciese mas, por cuya causa hecho el ultimo apercibimiento se hizo el remate, dando la buena pro en la forma ordinaria y el expresado Dn. Sabin Perrin acepto el remate por el referido precio de dos reales cada arpan, pagadero al plazo de un año, y para su seguridad presenta por su fiador à Dn. Franco. Herault vecino de esta plaza, quien estando presente, dixo que haciendo de causa agena suya propria se constituia y constituyó fiador del expresado Dn. Saben Perrin, hizo, llano y abonado, y si al tiempo señalado no cumpliese con la paga, lo hara el como tal su fiador á cuyo cumplimiento obligaron sus bienes presentes y futuros, con poderio de justicia &a. Y para que conste lo firmaron con el Sor. Goberr., testigos, y pregonero, Sabin Perrin, Franco. Herault, Carlos de Grand-Pré, Eulogio de Casas, Martin Visoso, Juan Poret.

Remate de 5840 arpanes

Seguidamente se pregonaron en altas e inteligibles vozes, cinco mil ochocientos y quarenta arpanes de superficie situados en la margen oriental del Rio Comit á veinte millas poco mas ó menos de su confluencia con el Amit y habiendo parecido Dn. Tomas Estevan, los pusó a un real cada arpan, Dn. Antonio Gras á un real y medio, y Dn. Sabin Perrin á dos reales cada arpan y aunque se hicieron muchos apercibimientos no parecio quien ofreciese mas, por cuya causa hecho el ultimo apercibimiento se hizo el rematé dando la buena pro en la forma ordinaria y el expresado Dn. Sabin Perrin acepto el remate por los nominados dos reales cada arpan, y presenta por su fiador á Dn. Franco. Herault, quien estando presente dixo que se constituia y constituyó fiador del expresado Perrin en los mismos terminos que lo tiene otorgado en la diligencia que antecede y para que conste lo firmaron con el Sor. Gobernador, testigos y pregonero. Perrin, Franco. Herault, Carlos de Grand-Pré, Eulogio de Casas, Martin Visoso, Juan Poret.

Baton Rouge 30 de Junio de 1808 remitase esta expediente al Tribunal de la Plaza de Panzacola sacandose testimonio de el que quedara archivado en la secretaria de esta Gobno. Grand-Pré.

Es conforme á sus originales, resultidos á las Plaza de Panzacola, y se saca esta para quedar en esta Secreta. de Gobno. Baton Rouge 10 de Julio de 1808, Carlos de Grand-Pré.

I Andrew Steele Parish Judge of the Parish of East Baton Rouge in the State of Louisiana do hereby certify that the foregoing on seven pages including this one is a true copy of its original, and an extract from the copy of a public sale in the records of the late Spanish government, now in my office.

In testimony whereof I have hereunto set my hand and seal of office this 6th day of October 1814.

[SEAL.] (Signed) AND. STEELE.

Sixth. The plaintiff offered—"Transcript of the Record of the suit of Caroline and Merced Vidal. f. w. c. *vs.* Fergus Duplantier No. 1990. 3d jud.: Dist. Court of Louisiana;" which record reads as follows, to wit:—

Endorsement on the foregoing Document H. A. closing on the reverse hereof:

"U. S. Dist. Court. Labatut Claim. "Off'd in evidence—objected to by Dist. Attorney and Intervenors—& filed Mar. 26 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

CAROLINE AND MERCEDE VIDAL *f. w. c.*
vs.
FERGUS DUPLANTIER. } No. 1990

To the honorable the Judge of the third Judicial District of the State of Louisiana holding court in the Parish of East Baton Rouge.

The petition of Caroline Maria Salomé and of Maria de la Mercede now in the said parish respectfully sheweth: that they were born in New Orleans but for several years past have resided out of the State of Louisiana, to wit: Caroline has resided in Havanah and Mercede in Pensacola—that they are the natural children of the late Nicholas Maria Vidal, who died at Pensacola in the latter end of the year 1805, or the beginning of the year 1806, and by his last will and testament he instituted your petitioners and Josefa and Maria Magdalena two other natural children his universal heirs.

That they are people of colour.

Sheweth, that at his said Vidal's death he was the owner & proprietor of five tracts of land amounting together to sixteen thousand arpents—one a tract of land of eight hundred and seventy-seven arpents, situated in the Parish of East Feliciana, and adjoining on its west, lands, of James Foster. A tract of two thousand seven hundred and eighty-one arpents situated in the Parish of East Baton Rouge bounded on the north-west by Josef Reynes, north vacant land east vacant land, south by Josef Le Blanc, Firmin Hippolite Landry Vendu Ireste Joseph Sharp Gilbert Andry and Isaac Lathrop. One tract of two thousand five hundred arpents situated in East Baton Rouge on the waters of Wards creek, bounded east and west by vacant lands on the south by Joseph Reynes and on the north by Thomas Hutchins. One tract of four thousand and fifty-two arpents situated in East Baton Rouge, in the fork of Comite and Red Wood adjoining on the south Thomas Urquhart, on the north and west vacant land, on the east bounded by Comite. One tract of

five thousand eight hundred and forty arpents, situated in [illegible] Feliciana bounded on the west by the Comite, east by vacant land, south by Thomas Urquhart, and north by vacant land. The grants to these lands were issued by the Spanish government in favor of Juan Bautista Labatut and by him conveyed to the said Nicholas Maria Vidal, the precise date of them is not known, but it is believed that they issued in the fall of the year 1803, and were signed by Juan Vintura Morales, who was at the time the proper officer under the Spanish government for issuing grants to lands. Sheweth that a certain Fergus Duplantier of the said parish of East Baton Rouge hath unlawfully and without any right or legal title to the said Spanish patent possessed himself of them and unlawfully holds them from the possession of your petitioners who are legally entitled to them in the absence of the other two legators, and who have never presented themselves, nor made acceptance of the succession of said Vidal.

Sheweth that the value of the said titles to your petitioners is at least sixteen thousand dollars and are held by said Fergus Duplantier to their injury and damage in the said sum of money. That your petitioners have amicably demanded the said grants or titles papers from the said Fergus Duplantier who refuses to deliver them.

Your petitioners pray therefore that the said Fergus Duplantier may be duly and legally cited to appear and answer this petition, that he may be ordered adjudged and decreed, to deliver to your petitioners the said grants or titles, or to pay to them the damage aforesaid or such other damages as may be adjudged and for and such other and further relief as the nature and justice and circumstances of the case may require.

(Signed) JAMES TURNER,
Atty. for Petitioners.

Your petitioners pray, that said Fergus Duplantier be ordered to procure the said grants on the trial of this cause, and that he answer on oath the following interrogatories.

1st. Have you not the possession of the said five grants issued by the Spanish government to Juan B. Labatut?

2d. What are their respective dates?

(Signed) JAMES TURNER,
Atty. for Petitioners.

"*Endorsed*"—1990 Caroline and Mercede Vidal F. W. C. vs. Fergus Duplantier, petition filed November 9th 1833.

(Signed) M. MORENO,
Dep. Clk.

"*Sheriff's return*"—Served by delivering copies of the within

petition in the English and French languages to Fergus Duplantier in person this 9th November 1833.

(Signed) JOHN BUHLER,
Sheriff.

Citation—The State of Louisiana, third District Court, Parish of East Baton Rouge.

To Mr. Fergus Duplantier residing in the parish of East Baton Rouge—greeting. You are hereby summoned to appear at the office of the Sheriff of the Parish of East Baton Rouge and comply with the prayer of the annexed petition, or file your answer thereto in writing in the office of the Clerk of the District Court of the third judicial district for said parish at the town of Baton Rouge in 12 days after the service hereof. Witness the Hon. Charles Bushwell Judge of said Court this 14th day of November A. D. 1833.

(Signed) M. Moreno Dep. Clk. Caroline and Mercede Vidal f. w. c. vs. Fergus Duplantier.

Sheriff's return.—Served, by delivering a copy of the within citation in the English and French languages to Fergus Duplantier in person.

(Signed) JOHN BUHLER,
Sheriff.

A l'honorable juge, du troisième District Judiciaire tenant cours dans la Paroisse Est Baton Rouge.

La petition de Caroline Marie Salome et de Maria de la Mercede résidant maintenant dans la dite Paroisse, a l'honneur de représenter qu'elles sont nées à la Nelle. Orleans, mais que pendant plusieurs années qui viennent de s'écouler, elles ont résidé hors de l'Etat de la Louisiane, savoir: Caroline a résidé à la Havane et Mercede à Pensacole qu'elles sont les enfans naturels de feu Nicholas Maria Vidal, mort à Pensacole, vers la fin de l'année 1805, ou au commencement de l'année 1806. Qui par son testament ou dernières volontés a institué vos petitionnaires—et Josefa et Maria Magdalena, aux autres enfans naturels, ses légataires universels, qu'elles sont filles de couleur. Que le dit Vidal à sa mort, était le proprietaire de cinq morceaux de terre, formant en tout seize mille arpents, l'un de huit cents et vingt sept arpens, situés dans la Paroisse d'Est Féliciana, et joignant par la partie ouest, les terres de James Foster. Un morceau de deux mille sept cents quatre vingt un arpens situé dans la Paroisse Est Baton Rouge, borné au nord ouest par Josef Reynes, au nord par des terres vacantes, à l'est par des terres vacantes au sud par Josef Le Blanc, Felicie Hippolite Landry, viuda Trest, Joseph Sharp, Gilbert Andry, et Isaac Lathrop: Un morceau de deux mille cinq cents arpens situé dans la Paroisse Est Baton Rouge, sur le Wards Creek borné à l'Est et à l'Ouest par des

terres vacantes, au sud par celles de José Reynés, et au nord par celles de Thomas Hutchings. Un morceau de quatre mille cinquante deux arpens situé dans la Paroisse Est Baton Rouge, à la jonction de la Comite et de Red Wood, joignant Thomas Urquhart au Sud, les terres étant vacantes au Nord et à l'Ouest, à l'Est par la Comite —Un morceau de cinq mille huit cents quarante arpens, situé dans la Paroisse Est Feliciana, borné à l'Ouest par la Comite à l'Est des terres vacantes, au sud par celles de Thomas Urquhart et au Nord par des terres vacantes. Les concessions pour ces terres ont été faites par le gouvernement Espagnol en faveur de Juan Bautiste Labatut et vendues par lui au dit Nicholas Maria Vidal, on ne connait pas la date exacte de ces concessions mais on pense qu'elles ont été faits dans l'automne de l'année 1803, et étaient signées par Juan Ventura Morales qui à cette époque, était la personne nommée par le gouvernement Espagnol pour donner les concessions des terres, qu'un nommé Fergus Duplantier de la sus dite Paroisse d'Est Baton Rouge, s'est emparé injustement, et sans aucun titre ni droit, de ces patentes Espagnols, et qu'il prive illégalement vos petitionaires de la possession des dites patentes, qu'elles ont légalement le droit de posséder en l'absence des deux autres légataires qui ne se sont jamais présentés et qui n'ont jamais acceptés la succession du dit Vidal, que la valeur des dits titres pour vos petitionnaires, est au moins de seize mille piastres, et qu'elles sont retenus par le dit Fergus Duplantier à leur préjudice et dommage pour la dit somme d'argent, que vos pétitionnaires demandent donc que le dit Fergus Duplantier soit dument et légalement cité a comparaitre et à répondre à cette pétition, qu'il lui soit signifié et ordonné de délivrer les dites concessions ou titres, à vos pétitionnaires et de leur payer les dommages susdits, ou tous autres qui pourraient être décrétés, vos petitionnaires demandant aussi toute autre satisfaction que la justice la nature, ou les circonstances du procès pourraient exiger.

(Signed) JAMES TURNER,
Avocat des Petitionnaires.

Vos petitionnaires demandent que le dit Fergus Duplantier, reçoive ordre de produire les dites concessions pour le jugement de cette affaire et de répondre sous serment aux questions suivantes.

1. N'avez vous point en votre possession les cinq concessions faits par le gouvernement Espagnol a Juan B. Labatut?
2. Quelles sont leurs dates respectives?

(Signed) JAMES TURNER,
Avocat des Petitionnaires.

"Petition endorsed." No. 1990. Caroline and Mercede Vidal f. de c. l. *vs.* Fergus Duplantier. Petition filed November 9th 1833.

(Signed) M. MORENO,
Dep. Clk.

"*Citation.*" L'Etat de la Louisiane—Cour du 3eme. District Judiciare. Mr. Fergus Duplantier résidant de la Paroisse d'Est Baton Rouge.

Vous êtes sommé, par la présente, de comparaitre au bureau du Sherif de la Paroisse d'Est Baton Rouge, et de satisfaire aux conclusions de la petition ci annexée, ou de remettre votre réponse à icelle par écrit au Bureau du Greffier de la cour du 3eme. District Judiciaire, à la ville de Baton Rouge dans les 12 jours après sa notification.

Témoin, l'Honorable Charles Bushwell, juge de la dit cour, le 14 jour de Novembre de l'année de notre seigneur 1833.

(Signed) M. MORENO,
Dep. Clk.

Caroline Ann Mercede Vidal, f. de. C. *vs.* Fergus Duplantier. No. 1990.

Testamiento de Nicolas Maria Vidal.

En el nombre de Dios todo poderoso que vive sin principio y reyna sin fin—Amen.

Sepan Cuanta esta Carta de Testamento, ultima y postrimera voluntad vieren, comyo yo, el Doctor Dn. Nicolas Maria Vidal, Chaves y Echavarry de Madrigal y Valdez, teniente Gobernador y Auditor de Guerra de esta Provincia de la Louisiana y Florida occidental y asesor general del govierno de ella por S. M. natural de Cartagena de Indias, hijo legitimo de Dn. Pedro Luis Vidal Chaves y Echevarry, natural del Puesto de Santa Maria, y de Dna. Josepha Mercelina de Madrigal y Valdez natural de Cartagena, ambos difuntos: hallandome enfermo en cama, en mi entero juicio memoria y entendimiento natural tal que Dios Nuestro Señor se ha servido darme, creyendo como firmimente creo en el alto y soberano misterio de la Trinidad Santisima, Padre, hijo y Espiritu Santo tres personas realmente distintas, y una esencia verdadero, y en el de la incarnacion del verbo divino hecho hombre para nuestro remedio en las purisimas entrañas de la Virgen Maria Sra. nuestra, su pasion y muerte, y en los demas articulos y misterios que tiene, crehe y enseña nuestra Santa Madre la Iglesia Catolica, Apostolica de Roma, Regida y Gobernada por el Espiritu Santo, bajo Cuya fee y crehencia he vivido y protesto hacerlo hasta morir; temiendo la muerte que es natural a toda criatura su hora incierta, preveniendo que hade llegar la mia, quiero hacer my testamento, y para su mayor direccion invoco por mi abogado á la Soberana Reyna de los Angeles Maria Santisima, por la particular imbocacion de las mercedes, el Santo de mi nombre San Nicolas de Barri que ha sido siempre el protector de toda mi familia, San Juan Nepomerceno y los otros santos de mi devocion para que intercedan por mi para con Dios nuestro Señor perdone la gravedad de mis culpas y ponga mi alma en Carcera de Salvacion con cuya suplica, protesta y divina invocacion lo ordeno en la forma siguiente.

Primeramente encomiendo mi alma al mismo Dios y Señor que me la dio, creo, y redimio con el precio y valor infinito de su sangre preciosa, pasion y muerte, y le suplico que por las entranas de sudivina misericordia se digne perdonarla y llevarla a su eterno descanso con la escogido, para donde fue criado, el cuerpo le mando á la tierra de que fue formado, y quando fallesca quiero ser amortajado con el habito de nuestro Padre San Francisco y que se me de sepultura en el paraje modo y forma que dispusiese my albuera á cuya obuin dejo lo demas de mi entierro y funeral paraque lo haya como mijor le pareciere por ser asi mi voluntad.

Ytem: Mando se me digan las tres misas del alma por el descanso de la mia, y que se den quatro reales por una vez á cada una de las mandas forzosas, con que los aparto de mis vienes, por ser asi mi voluntad.

Ytem: Declaro que desde muchos años estoy en posesion de una capillania fundada en mi favor y radicada sobre fincas en Cartagena; y respeto á no haver en mi familia otro Baron, mando que despues de mi fallecimiento goze y entre en possesion de ella el hijo mayor del Dr. Don Miguel Ybañez oficial Real y Juez de Puesto de la ciudad de Oraña hijo de mi hermana Doña Maria Nicolasa Vidal, y quiero que en el caso que fallezca se le dé por mi albacea el correspondiente aviso con testimonio en forma de esta disposicion, por ser asi mi voluntad.

Ytem: Dono y lego al enunciado Doctor Dn. Miguel Ybañez mi retrato y los de los Arzobispes que estan en la sala de mi estudio, por no interazar estos que á los de mi familia y que mi acre hedores no puedan hacer mucho aprecio de ellos por ser de costo valor, y mando que por mis albaceas se le remitan justamente con los papeles utiles que se encontraren de mi facultad.

Ytem: Declaro que he conferido poder para mis pretensiones en la villa y Cortes de Madrid á Don Gaspar Solivarez quien deve tener mios para ellas mas de mil y quatro cientos pesos fuertes.

Ytem: Declaro, que tengo por Esclavos mios, un negro nombrado Juan de la Cruz, que traje de la ciudad de Cartagena y otros que compre en esta, nombrados, Felipe, Narciso, Adelayda, y un hijo de esta, nombrado Lait Peodoro.

Ytem: Declaro, que la enunciada negra Adelayda, me manifesto deseara libertarse á la que hise presente ser justa su solicitud pero que no podria conseguirla sino por el valor en el que consequente á sus talentes fuere apresiada y que prosiguiendo en mi servicio hasta que saliese de esta provincia de otorgaria su voluntad por el precio que me costó—con cuya oferta se conformo la dicha Adelayda, por lo que mando que en el caso que fallezia tenga aquella su cumplimiento y que por mi albacea se le otorgue la libertad, pagando dicha negra, la suma, por la que la adquiri; bien entendido, que esta paria, se estiende á la enunciada Adelayda, y no a su hijo Luis Teodoro, pues este sera apreciado y vendido lo mismo que los demas mis Esclavos.

Ytem: Declaro qui mi familia tiene Sepultura en la Capilla del

Rosario de la Iglesia de Santo Domingo de la Ciudad de Cartagena y otra en la de la Merced que tengo en mi poder los papeles comprobantes de este derecho y encargo á mi albacea que los remita á mis hermanos Dna. Maria Nicolasa y Dna. Maria Melchora Vidal.

Ytem: Declaro que por muerte de mi padre Don Pedro Luis Vidal se le quedaron deviendo en la Provincia de Anteochia, Reyno de Santa Fee. Sobre catorce mil Castellanos de oro, mas ó menos, que equivalen a viente y ocho mil pesos que de este cobro estaba encargado Don Francisco de Rinan por direccion de los Senores Don Ascensio de Echevarria y Don José Diaz de Escandon ya difunto—que del resultado de esta dependencia podran dar razon los Sobrinos y heredores del dicho Dn. Acension de Echeverria y Dn. Alfonza Terran que lleva la casa de Don José Diaz de Escandon—de cuya cantidad pagadas las duedas de mi padre—me pertenece la quarta parte, como uno de los quatro hijos y herederos.

Ytem: Declaro, tener en mi poder algunos papeles pertenecientes á mi difunto padre, los que creo utiles y encargo á mi albacea los remita á mi memoradas Hermanas Dna. Maria Nicolasa y Dna. Maria Melchora Vidal.

Ytem: Instituyo y nombro por albacea tenedor de bienes, y executor Testamentario á Dn. Christoval de Armas y Arcila, y en su defecto á Don Juan Bautista Labatut, y les doy el poder y facultar tan amplio como por derecho se requiere para que recosan mis bienes y sin intervencion de Justicia alguna practiquen las diligencias de Inventorio, estimacion y demas que se requieren, nombrando para el avaluo los peritos que juzguen convenientes, á fin que avaluado todo, lo presenten en el Tribunal Competente para su aprobacion—que asi mismo procedan a verificar el cobro de las cantidades que me son devidas y pagun las que yo deviese, constando unas y otras de los membretes que se encontran en mis papeles á cuyo fin les prooge el año de Albaceurgo y demas tiempo que necisitan por ser asi mi voluntad.

Ytem: Declaro que tengo en la Ciudad de Cartagena, dos hijas naturales, nombradas Maria Josepha y Maria Magdalena, de las que la primera la huve en Rosa Narciga mulata libre y la segunda con Juana Lozana negra libre, y otras dos en esta Ciudad de qualidad de quarteronas que las he tenido con Eufrosina Hunard nombradas Caroline Maria Salomé, y Maria de las Mercedes, a Cuyas Cuatro hijas, ó a sus respectivas madres para aquellas mando se les entregue por partes iguales si hubiese algo que heredar, a Cuyo fin las nombro por mis unicas y universales herederas.

Y revoca y anulo, doy por nulos, rotos y cancelados de ningun valor ni efecto otros qualesquier testamentos, codicilos, poderes, disposiciones para testar, nombramiento de Albaceas y heredores que antes de este haya hecho por escrito, ó de palabra, los que quiero no valgan ni hagan fee en juicio ni fuera de el, salvo este, que al presente otorgo, por ser mi ultima voluntad en aquella via y forma que mas haya lugar en derecho. En fee de lo que, es fecha la carta

en la Ciudad de la Nueva Orleans, en la Casa de la morada del Sor. otorgante a quatro de Mayo de mil, setecientos noventa y ocho años. Yo el Escno. doy fée, Conozco al Sor. otorgante, que está al parecio en su entero juicio, memoria y entendimiento natural y lo firmó siendo testigos el Sor. Don Gilberto Leonard, Contador interino de Exto. y Real Hacienda, y Don José Maria de la Barba, ministro interventor, y Don José Maria de la Peña, vecinos y presentes "firmado" Nicolas Maria Vidal, Gilberto Léonard, José Maria de la Barba, José Maria de la Peña. Ante mi, Pedro Pedesclaux, Esno. Publco.

Pour copie conforme à l'original resté en mon étude pour recours, en foi de quoi, j'ai signé le présent, et apposé le secau de mon office, à la Nouvelle Orleans, le vingt neuf Decembre, mil huit cent vingt huit.

[L. S.] (Signed) LOUIS T. CAIRE,
Not. Pub.

(*Endorsed*) 1990 Caroline and Mercede Vidal *vs.* Fergus Duplantier. Will. Filed 9th January 1834.

(Signed) A. WINTHROP,
Clk.

"*Exceptions.*"

To the Honorable Charles Bushwell, Judge of the District Court, of the Third Judicial District of the State of Louisiana, in and for the parish of East Baton Rouge.

Fergus Duplantier of the said parish, prays leave to except to the petition filed in this court and to the suit instituted against him by Caroline and Mercede Vidal upon the following grounds of exception, viz:

1st. That the place of residence of the said petitioners is not alleged in the said petition.

2d. That the last will and testament of Nicholas M. Vidal, mentioned in the said petition is not annexed thereto, and this defendant demands oyer of the said last will and testament.

3d. That the said petitioners have alleged the existence of two other persons who they also allege are heirs of the said deceased, and these persons have not been made parties to the said suit, nor are they in any manner represented before this court.

4th. That the petition sets forth inconsistent demands, claiming the title papers and their value also.

Wherefore defendant prays that the plaintiff's suit may be dismissed at their costs, &c.

(Signed) R. & H. N. OGDEN,
Attys. for defendant.

1299.

"*Endorsed*"—1990—Caroline and Mercede Vidal, f. w. c. *vs.* Fergus Duplantier.

Exceptions.—Filed 9th January, 1834.

(Sig'd) A. WINTHROP, *Clerk.*

Answer.

DISTRICT COURT,

Parish of East Baton Rouge:

The answer of Fergus Duplantier residing in the aforesaid parish, to the petition herein exhibited against him by Caroline Maria Salomé, and Maria de las Mercede, f. w. c., calling themselves the natural children of Nicolas Maria Vidal, deceased, and claiming to be the universal heirs by testament of the said Vidal with respect represents—

That your respondent reserving to himself all legal exceptions to said petition and to the right of action of said plaintiffs denies generally and specially the allegations in said petition contained except so far as they may be hereinafter admitted.

Your respondent specially denies that said plaintiffs are the children and heirs of said Vidal under whom they claim, or that they are entitled to any rights by testament or otherwise. Your respondent shows that he is the legal owner of the five tracts of land containing in all sixteen thousand arpents described in the plaintiff's petition, having purchased the same for the price of six thousand dollars cash, from Sabin Perrin by his authorized agent Hyppolite Tivollier by act under private signature bearing date the 9th day of May 1811, and executed in the Parish of East Baton Rouge.—That said Sabin Perrin acquired said property by the adjudication to him thereof on the 27th June 1808 by Carlos de Grand-Pré the Governor of the District of Baton Rouge, by public sale by him made of said property as belonging to the estate of the said Nicolas Maria Vidal under the order and decree of the Spanish tribunal at Pensacola given by Don Vicente Folch y Juan the Civil and Military Governor of West Florida, dated the 6th of April 1808 and decreeing the sale of said property to satisfy debt due by the estate of said Vidal of four thousand dollars, secured by mortgage on said property, as will appear by a copy of said adjudication hereto annexed as part of this answer and other evidence to be adduced on the trial.

Your respondent further represents that he has been in actual possession of a considerable part of said land that he did heretofore institute suits against sundry persons who were in possession of said lands and did thereby claim a right and ownership of the said property.—That said plaintiffs failed to entervene in said suits, or to assert any rights thereto, that if therefore they could have had any title to said property, *that* the same has been completely and effectually barred by prescription.

And your respondent himself further pleads the prescription of twenty years against said plaintiffs. Wherefore in consideration of

the premises your respondent prays that the demand of said plaintiffs may be rejected and that they be sentenced to pay the costs of this suit and respondent further prays for general relief in the premises, &c.

(Signed) R. A. & A. N. OGDEN,
Attys. for Respondent.

Answers to Plaintiffs' Interrogatories.

DISTRICT COURT,
Parish of East Baton Rouge:

The defendant Fergus Duplantier being duly sworn, answers to the interrogatories propounded to him in the plaintiff's petition in the above entitled suit as follows, viz:—

To the first interrogatory—I am in possession of a Spanish grant to sixteen thousand arpents of land in five different plats of the same quantity and description as described by the plaintiffs in their petition. The grant is issued by Juan Ventura Morales the Spanish Intendent, to Juan B. Labatut, and I am the legal and bona fide owner of said titles by a regular chain of transfer and having paid the price thereof.

To the second interrogatory—The said grant was dated the 20th January 1804.

(Signed) FERGUS DUPLANTIER.

Sworn to and subscribed before me this 14th January 1834.

(Signed) CHAS. TESSIER, *P. J.*

"*Endorsed*"—1990—Caroline and Mercede Vidal, f. w. c. *vs.* Fergus Duplantier.

Answer—Filed January 16th 1834.

(Signed) M. MORENO, *Dep. Clk.*

Exceptions to Answers to Interrogatories.

DISTRICT COURT:

The plaintiffs in this case by their counsel begs leave to except to the answers of the defendant made to the interrogatories of the plaintiffs and for exception say, that these words in the said answers ought to be stricken out, to wit: "I am the legal and bona fide owner of said titles by a regular chain of transfer having paid the price therefor" on the ground that the said testimony was not called for by the interrogatories propounded, and because the same is illegal testimony going to show title to real estate by parole, and to prove by parole written testimony which itself ought to be produced as the best evidence which the nature of the case admits.

Wherefore they pray that the same may be stricken out, and rejected.

(Signed) JAS. TURNER,
Atty. for Plffs.

"*Endorsed*"—1990—Caroline and Mercide Vidal *vs.* Fergus Duplantier.

Exception to answers to interrogatories. Filed January 17th 1834.

(Signed) M. MORENO, *Dep. Clk.*

Affidavit for continuance.

DISTRICT COURT,

Parish of East Baton Rouge:

Abner N. Ogden, of counsel for the defendant in the above entitled cause being duly sworn declares that C. Parent residing in the Parish of St. Tammany is a material witness in behalf of defendant without the benefit of whose testimony he cannot safely proceed to the trial of the cause. That he expects to have said testimony by the next term of the court. That due diligence has been used and that this affidavit has not been made for delay. And affiant further swears that he expects to prove by said witness that he witnessed as subscribing witness the act of sale made by H. Tivollier as agent of S. Perrin to defendant which is alleged in the answer, that he saw said Tivollier sign the said act, and that N. Le Boucher and Edward Herrus did also sign as witnesses to said act. Affiant also swears that he will want on the trial of the cause the original decree of the Spanish Tribunal at Pensacola, signed Vicente Folch y Juan dated the 6th of April 1808 and ordering the sale of the property for the reasons as set forth in the answer and at which sale the property was adjudicated to Sabin Perrin—that they have been unable as yet to obtain said order although they have used due and reasonable diligence since the institution of this suit and that they expect to have the same at the next term of the court and that this affidavit is not made merely for delay, but to answer justice.

(Signed) A. N. OGDEN.

Sworn to and subscribed before me this 18th day of January 1834, in open court.

(Sign'd) M. MORENO, *Dep. Clk.*

"*Endorsed*"—1990—District Court, Caroline and Mercede Vidal f. w. c. *vs.* Fergus Duplantier.

Affidavit filed January 18th 1834.

(Sign'd) M. MORENO, *Dep. Clk.*

"*Interrogatories.*"

DISTRICT COURT,

Parish of East Baton Rouge, Louisiana:

Interrogatories to be propounded to C. Parent, residing in the Parish of St. Tammany, a witness for the defendant whose answers will be read in evidence on the trial of this cause.

1st. Do you know the parties to this suit?

2d. Please look at the annexed document purporting to be an act of sale under private signature executed by H. Tivollier as the attorney in fact of Sabin Perrin the 9th May 1811, to Fergus Duplantier the defendant of the land therein described as having been purchased by the said Perrin, at the sale of the estate of Don Nicolas Maria Vidal and say whether you signed said act as a witness, whether you saw the parties to said act sign it and the other witnesses whose names are therein subscribed?

3d. Are the other subscribing witnesses to said act now living and if so where do they reside?

(Signed) R. & A. N. OGDEN,
Attys. for the Defendant.

I certify the foregoing to be a true copy of the original interrogatories on file in my office.

(Signed) M. MORENO, *Dep. Clk.*

"*Endorsed*"—1990 (F) District Court Caroline and Merced Vidal *vs.* Fergus Duplantier Interrogatories, and deed annexed—Filed March 5th 1834.

(Signed) M. MORENO,
Deputy Clerk.

Opened and filed by me in open court this 2d day of June 1834.

(Signed) M. MORENO,
Dep. Clk.

Commission to take testimony.

The State of Louisiana to any judge or justice of the Parish of St. Tammany, greeting:

Know ye, that we, reposing confidence in your prudence and fidelity, do, by these presents give unto you authority, diligently to examine all witnesses whatever in a certain suit now pending in our third district court, for the Parish of East Baton Rouge, and in which Caroline and Merced-Vidal, are plaintiffs and Fergus Duplantier defendant, as well on the part of the said plaintiff as of the said defendant. Therefore, we desire you that at certain times and places by you to be appointed for that purpose you do cause the witnesses to come before you; that you then and there examine them apart, upon their respective corporal oaths first taken before you upon the Holy Evangelists; that you reduce their examination to writing, and when you shall so have taken them, that you send the same closed up under your seal, to us, in our third district court, at the court-house, without delay; and have you then and there this writ—Witness, Hon. Chas. Bushwell Judge of our said Court, this 20th day of May in the year of our Lord 1834.

(Signed) A. WINTHROP, *Clerk.*

Answers to Interrogatories.

STATE OF LOUISIANA,
Parish of St. Tammany:

Be it remembered that on this thirteenth day of May, one thousand eight hundred and thirty-four, personally appeared before me, the undersigned justice of the peace, in and for said parish, Charles Parent, resident of said parish, and first being duly sworn according to law, to answer certain interrogatories, in a certain suit now pending before the District Court for the third district in the Parish of East Baton Rouge, Louisiana—Whereof Caroline Maria Salomé and Maria de las Merced f. w. c. *vs.* Fergus Duplantier.

Answer to first interrogatory:—I know the defendant Fergus Duplantier.

Answer to the second interrogatory:—I have examined the act of sale under private signature executed by Hte. Tivolier as attorney in fact of Sabin Perrin on the 9th of May 1811, to Fergus Duplantier the defendant of the land therein described as having been purchased by the said Perrin at the sale of the estate of Dn. Nicolas Maria Vidal and I acknowledge and declare that I signed said act as a witness thereunto—and I also saw the parties to said act sign the same together with the other witnesses—whose names are thereunto subscribed.

Answer to the third interrogatory:—I know Mr. Laboucher went to France some years since—but whether he is now living or not I do not know—as for Mr. Edward Herrus, I heard he died some years since.

(Signed) CHAS. PARENT.

Sworn to and subscribed before me the day and year above written.

[SEAL.] (Signed) DAVID B. MORGAN,
Justice of the Peace in and for the Parish of St. Tammany Louisiana.

"*Endorsed*"—Opened and filed by me in open court. Filed this 2d of June A. D. 1834.

(Signed) M. MORENO,
Dep. Clk.

Plaintiffs Testimony.

Plaintiff offered in evidence—

Document A—Last will and testament of Vidal and the decree of the Probate Court ordering his execution.

Document B—Register of baptism certified by F. Antonio de Sidella.

Antonio Pintado. Sworn for plaintiff. Says he knows the both plaintiffs in this suit—whose reputed mother is Euphrosine—has

known her for 39 years; the family moved from New Orleans in 1804.

B. J. Beauregard. Knows the plaintiffs mother since the year 96 or 97 named Euphrosine; has seen the two plaintiffs with Euphrosine always considered them her children, Nicolas Ma. Vidal died at Pensacola the two plaintiffs being always considered as the reputed children of Euphrosine and they blieve to be such—States that the mother and children resided at the house of Vidal and reputed to be his children—frequently heard Vidal acknowledge them to be his children—and took them out in his carriage.

Pintado. Recalled for plaintiff—States that the mother and children resided at the house of Vidal and reputed to be his children—frequently heard Vidal acknowledge them to be his children—and took them out in his carriage.

Document E—Sale of land from Juan Bte. Labatut to Nicholas Ma. Vidal.

Defendants Testimony.

Defendant offered in evidence.

Document F—Sale of land from Gme. Sor. Perrin by Tivollier to Fergus Duplantier—and Interrogatories to C. Parent and answers to the same.

Document G—Power of attorney from Perrin to Tivollier.

Document H—Sale of the land to Perrin by Charles de Grand-Pré at public sale.

Document I—Order annulling the previous sale and ordering new sale.

I the undersigned judge presiding upon the trial of this cause hereby certify that the record contains all the testimony upon which this cause was tried.

(Signed) CHAS. BUSHWELL,
Judge third District.

Baton Rouge July the 1st, 1884.

"*Endorsed*" 1990—Evidence filed.
(Signed) M. MORENO,
Dep. Clk.

Bill of Exceptions of Defendant.

Be it remembered that on the trial of this cause, the plaintiffs' counsel offered in evidence the Document marked A. purporting to be the copy of the last will and testament of Nicolas Maria Vidal to the introduction of which the counsel for the defendant objected on the ground that the will had never been admitted to probate or ordered for execution and that the will itself was null and void, not having been made in conformity with law, when the plaintiffs' counsel then offered document marked B. purporting to be a copy of the proceedings in the name of the plaintiff in the court of probates in

Parish of East Baton Rouge in which the judge of that court ordered that the plaintiffs should be recognized as the heirs of said Vidal under the will and that they should be put in possession of sixteen thousand arpents of land to the introduction of which the defendant's counsel also objected on the ground that said proceedings was not proof of the probate of the will, and that the court of probates without jurisdiction and that the proceeding itself was a nullity and the court having overruled the objections on the ground that they could not enquire collaterally into the validity of the judgment of the court of probates, and admitted the evidence this bill of exceptions was tendered and signed by the judge.

(Signed) CHAS. BUSHWELL,
Judge 3d District.

Endorsed—1990—Filed June 19th, 1884.
(Signed) M. MORENO,
Deputy Clerk.

Plaintiffs' Exceptions.

Be it remembered that on the trial of this cause the defendant offered in evidence the document marked (I) to the reading of which in evidence, the plaintiffs' by their counsel objected on the following grounds, to wit:—It is by the plaintiffs alleged to be a copy of a copy as it seems to be upon its face, and is not the best evidence the nature of the cause offered. 2d. That it is not legal evidence of the decree recited by it for a sale of the lands of the succession of Vidal; and which is denied. 3d. That it is not legal evidence of the meeting noticed in it, nor of the decision of such meeting if any such things ever occured, which is not admitted but denied. 4th. It does not correspond with the allegations of the answer, which refers to an original decree for the sale of the land in contest. 5th. It could not be admitted in evidence as it is not a full copy, but at best only an extract from the mortuary proceedings and it was incumbent upon the defendants to show a clear title to the papers sued for under the circumstances of the case. But the court by its opinion overruled the objections and admitted the said document to be read in evidence for all the purposes aforesaid, and to which the said plaintiffs beg leave to except and tenders this bill, and prays that it may be allowed and signed.

(Signed) CHAS. BUSHWELL,
Judge 3d District.

"*Endorsed*"—1990—Vidal *vs.* Duplantier—Exceptions—filed.
(Signed) M. MORENO,
Dep. Clk.

2d Bill of Exceptions on the part of Defence.

DISTRICT COURT,
Parish of East Baton Rouge:

Be it remembered that after the counsel for the plaintiff had opened the argument of this case, being the day following—and stated as one of his grounds of opposition to the defence set up that no original decree of the Spanish tribunal for a sale of the lands of the estate of Nicolas Maria Vidal had been produced in evidence, the counsel for the defendant then stated to the court that they had the copies of those proceedings in their possession but had not deemed it necessary to produce them as they have already shown a second order of the same tribunal annulling the first sale and decreeing a new sale to take place, but that as the plaintiffs relied on such an objection, in order to obviate it if the court should consider it of any validity, they then offered the said copies which is annexed to this bill of exceptions and marked No. (2)—and prayed the court to receive the same—to which the plaintiffs' counsel objected on the ground that no further evidence could be received after the argument had commenced and the court having sustained the objection and refused to admit the evidence, this bill of exceptions was tendered on the part of the defendant and signed by the court.

(Signed) CHAS. BUSHWELL,
Judge 3d District

"*Endorsed*"—1990. Filed.
(Signed) M. MORENO,
Dep. Clk.

Judgment.

Monday June 30th, 1834.

This cause came on for trial, when, after evidence, and argument of counsel, the court delivered its decree in the words and figures following, viz:

This is an action instituted by the plaintiffs as the natural children and testamentary heirs of Nicolas Maria Vidal, to recover from the defendant the original title papers, being Spanish grants, for sixteen thousand arpents of land, which they allege belonged to their testator, and that the defendant illegaly detains in his possession the said title papers, which is to their damage sixteen thousand dollars and they pray that the defendant be condemned to restore the said title papers or pay them the said sum of money. The defendant, in his answer, specially denies the heirship of the plantiffs, or that they can claim any rights as such by testament or otherwise. He further sets up a title to the Spanish grants in question, by a regular chain of conveyance commencing with an adjudication made on the 27th June 1808, by Carlos de Grand-Pré, of the lands covered by those titles which adjudication was made under an order

purporting to have been made in the mortuary proceedings of the estate of Nicolas Maria Vidal at Pensacola, where it is shown the said Vidal died. The decree for the sale is dated the 6th of May 1808, and signed by Vincent Folch y Juan the then military and civil commander of West Florida, under the Spanish Government. The said decree denies a former sale which had been made under a previous order of the same tribunal, and orders a new sale to be made on certain terms therein specified and it is stated in the decree that the sale is ordered for the purpose of paying a mortgage creditor of the said estate. A variety of objections were made to the admissibility of these Spanish documents which objections the court is of opinion cannot be sustained. It is also contended by the plaintiffs' counsel that all the proceedings of the tribunal of Pensacola should have been shown, and that the decree for the sale is, alone, insufficient. The court however is of opinion that this decree is not a foreign but a domestic Judgment, having been rendered by a tribunal then clothed with jurisdiction over the place and subject matter, and that its validity cannot now be contested, nor the proceedings on which it was founded, be now enquired into, and the court is further of opinion, that it is an objection to the claim of the plaintiffs that the mortuary proceedings relied on by the defendant took place in 1808, and it does not appear that the will under which the plaintiffs now claim was presented to any proper tribunal for probate and registry until 1827, a period of nineteen years. The court is of opinion that the defendant has shown a better title to the Spanish grants in his possession than the plaintiffs', and it is therefore ordered, adjudged and decreed, that judgment be rendered for the defendants and that he do recover from the plaintiffs the costs of suit to be taxed. "Dated" July 10th, 1834.

(Signed) CHAS. BUSHWELL,
Judge Third District.

"*Endorsed*"—1990—Judgment.

Sheriff's Return.

1990—Caroline and Merced Vidal *vs.* Fergus Duplantier. Notice of Judgment served by delivering copies of the within notice of Judgment to Merced Vidal in person, and by leaving with her a copy of the same for Caroline Vidal now absent then and there being at the last and usual place of residence of said Caroline Vidal in this Parish, above the age of fourteen years, this 21st July 1834.

(Signed) JOHN BUHLER,
Sheriff.

Appeal Bond.

Know all men by these presents that we Caroline Vidal and Merced Vidal are principal and William Gil as security are held

and firmly bound unto Fergus Duplantier his heirs executors administrators and assigns in the full sum of one hundred dollars to the payment whereof will and truly to be made we bind ourselves our heirs executors administrators and assigns firmly by these presents. Sealed with our seals dated this 24th day of July A.D. 1834.

Whereas the above bounden Caroline and Merced Vidal have this day filed in the office of the Clerk of the Third District Court for the Parish of East Baton Rouge their petition of appeal from a certain final Judgment rendered therein against them and in favor of said Fergus Duplantier, which appeal is returnable into the Supreme Court of the State to be holden at Baton Rouge on the first Monday of August next.

Now the condition of the above obligation is such that if the said Caroline and Mercede Vidal shall well and truly prosecute their said appeal with effect or pay or perform such Judgment as may be rendered against them. Then the above obligation to be void or else to remain in full force, power and virtue. (Signed) for Caroline and Merced Vidal.

[SEAL.] MERCED VIDAL.

[SEAL.] WILLM. GIL.

"Witness"
M. MORENO.

"*Endorsed*"—1990. Caroline & Merced Vidal *vs.* Fergus Duplantier. Appeal Bond. Filed July 24th 1834.

(Signed) M. MORENO,
Dep. Clk.

Decision of the Supreme Court.

Supreme Court of the State of Louisiana holding Sessions for the Western District, in the town of Baton Rouge, Parish of East Baton Rouge.

Monday, August 18th, 1834.

On this day the Court met agreeably to adjournment:

Present the Hon. GEORGE MATHEWS.
" the Hon. F. H. MARTIN.
" the Hon. H. A. BULLARD.

On this day the Court delivered their decision in the following case.

CAROLINE & MERCED VIDAL, Appts.,
vs.
FERGUS DUPLANTIER, Apple. } 81.

Appeal from the Court of the Third Judicial District.

The plaintiffs allege that they are the instituted heirs of Nicolas Maria Vidal, and sue to recover the title papers of certain tracts of

land amounting in all to sixteen thousand arpents, which they aver the defendant unlawfully withholds from them.

The defendant specially denies that the plaintiffs are the children and heirs of Vidal under whom they claim, or that they are entitled to any rights, as such, by testament or otherwise. He further sets up title to the land under a judicial sale made by Grand-Pré military and political governor of Baton Rouge, under authority derived from Don Vincente Folch y Juan, governor of West Florida in the course of the administration of the estate of Vidal.

The plaintiffs in support of the pretensions gave in evidence, a document purporting to be the testament of Vidal dated in 1798; and an order of judgment of the Court of Probates for the parish of East Baton Rouge, that the petitioners be recognized as universal legatees of Vidal for the sixteen thousand arpents of land bequeathed by the will, and authorizing them to exercise all the rights of ownership to the same. The judgment was rendered on the 27th of July 1827 in a proceeding to which it is not pretended the present defendant was a party. As the plaintiffs claim only as natural colored children and instituted heirs, and do not pretend to be the heirs at law, our enquiry is in relation to the testament which forms the basis of their pretensions. On a careful examination of the copy in the record, certified by a notary public, it does not appear to have been signed either by the testator or the witnesses whose names are mentioned in the body of it.

The certificate of the notary before whom the testament purports to have been made, is in the following words—"Yo el escribano, doy fé conozco al señor ortogante que esta el pancer en su entero juicio, memoria y entendimiento natural y lo firma, siendo testigos el señor don Gilberto Léonard contador interino y real hacienda, don José Maria de la Barba ministro interventor, y don José Maria de la Peña. Ante mi Pedro Pedesclaux, not. publico."

It is not so clear from the copy whether the words be "lo firmé" I signed it; or "lo firmo" he signed it. Nor does it appear natural inasmuch as the signature of the testator does not appear, nor that of either of the witnesses. The Spanish law required, as an indispensable solemnity that the testament should be signed by the testator and witnesses or by some one of the witnesses for him or them at least. Felero I P. 2 Cap. I S. No. 10. 12.

This court recognized on one occasion the principle that according to the Spanish law, it was not absolutely necessary for the validity of a testament that all the required solemnities, should appear on the face of the testament itself. That there may be cases in which some apparent defects might be cured and supplied by proof, when the testament should be offered for proof before the proper tribunal, we do not question. But in this case it does not appear that the testament was ever recognized as such by judicial authority and ordered to be executed. The proceedings had before the Court of Probates, for the parish of East Baton Rouge, more than twenty years after

the death of the testator, does not purport to be a probate of the will and an order for its execution. No notice is taken of the executors appointed. The supposed will directs the residue of the estate, if anything should remain to be inherited, to be delivered in equal portions to four natural colored children of whom the plaintiffs are two.

It appoints J. B. Labatut and Christoval de Armas testamentary executors; with full authority to take possession of the whole property and pay the debts of the testator; and the period of executorship is prolonged beyond the regular period for that purpose.

The plaintiffs having failed to show any titles in themselves it is unnecessary to enquire into the validity of the proceedings of the Spanish tribunal in pursuance of which the land was sold as the property of the deceased Vidal; for it is clear that if the plaintiffs do not take under the will, they are without rights, inasmuch as they are not heirs at law.

It is therefore ordered, adjudged and decreed, that the judgment of the District Court be affirmed with costs.

I certify the foregoing to be a true copy of the original on record in my office. In witness thereof, I have hereunto set my hand and seal of the court, at Baton Rouge, this twenty ninth day of January eighteen hundred and thirty five.

(Signed) A. H. LEGENDRE,
Clerk.

"*Endorsed*" 81. Caroline and Merced Vidal appts: vs. Fergus Duplantier apple. Filed January 31st 1835.

(Signed) M. MORENO,
Dep: Clk.

Order to withdraw Papers.

VIDAL
vs.
DUPLANTIER.

In this case it is ordered that Judge Farrot be allowed to withdraw documents from the record upon leaving receipt for the same.

(Signed) ISAAC JOHNSON,
Judge 3d District.

28*th February* 1845.

"*Endorsed*" Order to withdraw papers—Filed Feby. 1845.

(Signed) A. WINTHROP,
Clerk.

Judge Farrot's Receipt.

CAROLINE & MERCED VIDAL
vs. } 1990
FERGUS DUPLANTIER.

District Court, East Baton Rouge.

Recd. of Adam Winthrop, Clerk of the said District Court the following documents offered in evidence in the above entitled suit, viz:

1. Sale from Tivolier atty in fact of Perrin to Fergus Duplantier.
2. Power of attorney from Perrin to Tivolier.
3. Probate proceedings concerning the sale of the estate of N. M. Vidal, marked 2D.
4. Sale of land of Vidal to Perrin, H.
5. Order annulling the sale and ordering a new sale, I.
6. Sale of land J. B. Labatut to Vidal, E.
7. Second sale of land to Mr. Sabin Perrin at the sale of the estate of Vidal—February 25th 1845.

(Signed) L. FARROT, for
MRS. FERGUS DUPLANTIER.

"*Endorsed*" Judge Farrot's receipt for documents, and leave of court—Filed 25th Feby: 1845.

(Sig'd) A. WINTHROP,
Clerk.

Opening Court.

At a session of the District Court of the Third Judicial District of the State of Louisiana holden in and for the Parish of East Baton Rouge on the first Monday of January, being the sixth day of said January in the year of our Lord, one thousand eight hundred and thirty four.

Present, The Honorable Charles Bushwell Judge.

Extracts from the Minutes.

CAROLINE and M. VIDAL
vs. } 1990
FERGUS DUPLANTIER.

Monday Jany. 13*th* 1834.

In this case let all the exceptions be overruled except the last. And it is ordered that the plaintiffs so amend their petition as to claim the title papers or the value sixteen thousand dollars in the alternative. And thereupon the plaintiffs instantly in the presence of the defendants complied with the order, by so amending their petition as to demand the title papers sued for or their value.

C. & M. VIDAL
vs.
F. DUPLANTIER. } "1990."

The defendant having failed to appear and file his answer on motion of plaintiffs' counsel ordered, that judgment by default be entered.

Saturday 18*th January* 1884.

The court met according to adjournment.

CAROLINE AND MERCEDE VIDAL
vs.
FERGUS DUPLANTIER. } 1990.

Manuel Moreno was appointed by the court to translate the Spanish documents in this case and that the compensation to be fixed by the court and taxed in the costs.

C. & M. VIDAL
vs.
FERGUS DUPLANTIER. } 1990.

Continued on affidavit of defendant.

Opening Court.

At a Session of the District Court of the Third Judicial District of the State of Louisiana begun and holden in and for the Parish of East Baton Rouge on the first Monday of June, being the second day of said month of June in the year of our Lord 1884.

Present, The Hon. Charles Bushwell, Judge.

Extracts from the Minutes.

CAROLINE & M. VIDAL
vs.
FERGUS DUPLANTIER. } 1990.

Assigned for Friday next.

Saturday June 7*th* 1884.

The court met according to adjournment.

CAROLINE & M. VIDAL
vs.
FERGUS DUPLANTIER. } 1990.

"This cause came on for trial on the exceptions filed by the plaintiff to the interrogatories set forth in the answer filed by the defendant and after argument of counsel the court took the same under advisement."

Tuesday June 10th 1834.

The court met according to adjournment.

CAROLINE & M. VIDAL
vs. } 1990.
FERGUS DUPLANTIER.

Assigned for Thursday the 17th inst.

Opinion of the Court on Plaintiffs' Exceptions.

Thursday June 19th 1834.

The court met according to adjournment.

CAROLINE & M. VIDAL
vs. } 1990.
FERGUS DUPLANTIER.

On this day the court delivered its opinion upon the exceptions of the plaintiff to the answers of the interrogatories propounded to the defendant and thereby sustained the said exceptions and ordered that these words of said defendant in his answer to the plaintiff be stricken out "I am the legal and bona fide owner of said titles by a regular chain of transfer having paid the price therefor."

Extracts Minutes.

CAROLINE & M. VIDAL
vs. } 1990.
FERGUS DUPLANTIER.

This cause came on for trial to day. The evidence was closed and the opening argument on the part of the plaintiff was heard. The court then adjourned until to-morrow morning at 8 o'clock.

Wednesday June 25th 1834.

The court met according to adjournment.

CAROLINE & M. VIDAL
vs. } 1990.
FERGUS DUPLANTIER.

In this case after evidence and argument of counsel being heard the court took the same under advisement. The court then adjourned until to-morrow morning at 10 o'clock.

Extracts from the Minutes.—Judgment.

Monday June 30th 1834.

The court met according to adjournment.

CAROLINE & M. VIDAL f. w. c.
vs. } 1990.
FERGUS DUPLANTIER.

This cause came on for trial, when after evidence and argument

of counsel the court delivered its decree in the words and figures following; viz:—

This is an action instituted by the plaintiffs as the natural children and testamentary heirs of Nicholas Maria Vidal, to recover from the defendant the original title papers being Spanish grants, for sixteen thousand arpents of land which they allege belonged to their testator, and that the defendant illegally detains in his possession, the said title papers, which is to their damage sixteen thousand dollars, and they pray that the defendant be condemned to restore the said title papers, or pay them the said sum of money.

The defendant in his answer specially denies the heirship of the plaintiffs, or that they can claim any rights as such by testament or otherwise. He further sets up title to the Spanish grants in question by a regular chain of conveyance commencing with an adjudication made on the 27th June 1808, by Carlos de Grand-Pré, of the lands covered by those titles, which adjudication was made under an order purporting to have been made in the mortuary proceedings of the estate of Nicolas Maria Vidal at Pensacola where it is shown the said Vidal died. The decree for the sale is dated the 6th of May 1808 and signed by Vincente Folch y Juan the then Military and Civil Commander of West Florida, under the Spanish government. The said decree annuls a former sale which had been made under a previous order of the same tribunal, and orders a new sale to be made on certain terms therein specified, and it is stated in the decree that the sale is ordered for the purpose of paying a mortgage creditor of the said estate. A variety of objections were made to the admissibility of these Spanish documents—which objection the court is of opinion cannot be sustained. It is also contended by the plaintiffs' counsel that all the proceedings of the tribunal of Pensacola should have been shown, and that the decree for the sale is, alone, insufficient. The court, however is of opinion that this decree, is not a foreign but a domestic judgment having been rendered by a tribunal then clothed with jurisdiction over the place and the subject matter and that its validity cannot now be contested nor the proceeding on which it was founded be now enquired into. And the court, is further of opinion that it is an objection to the claim of the plaintiff that the mortuary proceedings relied on by the defendant took place in 1808 and it does not appear that the will under which the plaintiffs now claim was presented to any proper tribunal for probate and registry until 1827 a period of nineteen years. The court is of opinion that the defendant has shown a better title to the Spanish grants in his possession than the plaintiffs, and it is therefore ordered, adjudged and decreed that judgment be rendered for the defendant and that he do recover from the plaintiffs the costs of suit to be taxed.

Extracts from the Minutes, Order of Court.

C. & M. Vidal
vs.
F. Duplantier. } 1990

Tuesday July 1st 1834.

The court met according to adjournment.

In this case it is ordered by the court that the sum of twenty dollars be allowed to M. Moreno as a compensation for his services as translator of the Spanish documents offered in evidence in this case, to be taxed in the bill of costs.

Opening Court.

"*January Term*" 1835.

At a session of the District Court of the Third Judicial District of the State of Louisiana begun and holden in and for the Parish of East Baton Rouge on the first Monday of January being the fifth day of said month of January in the year of our Lord 1835.

Present, The Honorable Charles Bushwell, Judge.

"DECREE."

CAROLINE & MERCED VIDAL F. W. C.
vs.
F. DUPLANTIER. } 1990.

Saturday January 31st, 1835.

The court met according to adjournment.

Ordered that the following decree of the Supreme Court be spread on the minutes and made the judgment of this court.

Decree.

Supreme Court of the State of Louisiana holding sessions for the Western District, in the town of Baton Rouge, Monday August 18th 1834. On this day the court met agreeably to adjournment.

Present, The Hon. George Mathews,
" " " F. H. Martin,
" " " H. A. Bullard.

On this day the court delivered their decision in the following case.

CAROLINE & MERCED VIDAL, *appts.*
vs.
FERGUS DUPLANTIER, *applee.* } 81

Appeal from the court of the 3d Judicial District.

The plaintiffs allege that they are the instituted heirs of Nicolas Maria Vidal, and sue to recover the title papers of certain tracts of

land amounting in all to sixteen thousand arpents, which, they aver the defendant unlawfully withhold from them.

The defendant specially denies that the plaintiffs are the children and heirs of Vidal under whom they claim, or that they are entitled to any rights, as such by testament or otherwise—he further sets up title to the land under a judicial sale made by Grand-Pré Military and Political Governor of Baton Rouge, under authority derived from Don Vincente Folch y Juan, Governor of West Florida, in the course of the administration of Vidal.

The plaintiffs in support of the pretensions gave in evidence, a document purporting to be the testament of Vidal, dated 1798: and an order of judgment of the Court of Probates for the Parish of East Baton Rouge, that the petitioners be recognized as universal legatees of Vidal for the sixteen thousand arpents of land bequeathed by the will and authorizing them to exercise all the rights of ownership to the same. The judgment was rendered on the 27th July, 1827 in a proceeding to which it is not pretended the present defendant was a party.

As the plaintiffs claim only as natural colored children and instituted heirs, and do not pretend to be the heirs at law, our first inquiry is in relation to the testament which forms the basis of their pretensions. On a careful examination of the copy, in the record, certified by a notary public, it does not appear to have been signed either by the testator or the witnesses whose names are mentioned in the body of it. The certificate of the notary before whom the testament purports to have been made in the following words—

Yo el escribano, doy fe coñozco al señor ortogante que esta el parecer en su entero juicio, memoria y entendimiento natural, y lo firmé, siendo testigos el señor Don Gilberto Léonard, contador interino y real hacienda, Don José Maria de la Peña ante mi Pedro Pedesclaux Notario Publico."

It is not so clear from the copy whether the words be "lo firmé" I signed it; or "lo firmó" he signed it. Nor does it appear material inasmuch as the signature of the testator does not appear, nor that of either of the witnesses. The Spanish law required, as an indispensable solemnity that the testament should be signed by the testator and witnesses, or by some one of the witnesses for him, or them at least. Terlero I P. 2. Chap. I S. No. 10, 12.

This court recognized on one occasion the principle that according to the Spanish law it was not absolutely necessary for the validity of a testament that all the required solemnities should appear on the face of the testament itself. That there may be cases in which some apparent defects might be cured and supplied by proof, when the testament should be offered for proof before the proper tribunal, we do not question. But in this case it does not appear that the testament was ever recognized as such by judicial authority and ordered to be executed. The proceedings had before the Court of Probates, for the Parish of East Baton Rouge, more than twenty

years after the death of the testator, does not purport to be a probate of the will and an order for its execution. No notice is taken of the executors appointed. The supposed will directs the residue of the estate, if anything should remain to be inherited, to be delivered in equal portions to four natural coloured children, of whom the plaintiffs are two.

It appoints J. B. Labatut and Christoval de Armas, testamentary executors, with full authority to take possession of the whole property, and pay the debts of the testator; and the period of executorship is prolonged beyond the regular period, for that purpose.

The plaintiffs having failed to show any title in themselves it is unnecessary to inquire into the validity of the proceedings of the Spanish tribunal in pursuance of which the land was sold as the property of the deceased, Vidal; for it is clear that if the plaintiffs do not take, under the will, they are without rights, inasmuch as they are not the heirs at law.

It is therefore ordered adjudged and decreed that the judgment of the District Court be affirmed with costs.

I certify the foregoing to be a true copy of the original on record in my office. In witness thereof, I have hereunto set my hand and the seal of the court, at Baton Rouge this twenty-ninth day of January eighteen hundred and thirty-five.

(Signed) A. H. LEGENDRE,
Clerk.

Filed Jany 31st, 1835.

(Signed) M. MORENO,
Dep. Clerk.

STATE OF LOUISIANA,
Sixth Judicial District, Parish of East Baton Rouge,—
Clerk's Office:

I, Manuel Moreno, Deputy Clerk of the District Court, of the sixth Judicial District of the State of Louisiana, for the Parish of East Baton Rouge do hereby certify the foregoing thirty-seven pages folio inclusive to be a correct transcript from the records of the late third Judicial District Court, for the Parish of East Baton Rouge, State of Louisiana, now transferred to our Sixth Judicial District Court for said parish, of all the proceedings had, in a certain suit entitled Caroline and Merced Vidal free women of color, *vs.* Fergus Duplantier No. 1990, of said late Third District Court. And a true copy of all affidavits and other documents on file in the same, and of all the evidence adduced on the trial of the cause, *with the exception* of the documents set forth and described in a certain receipt (to be found at page (29) of this Record) of L. Farrot, agent for Mrs. Fergus Duplantier, widow of Fergus Duplantier defendant in said cause; which documents were received by said Farrot agent

aforesaid, from A. Winthrop late clerk of the late 3d District Court, aforesaid, without leaving copies thereof on file, duly certified by virtue of an order of Court on file, (to be found at page 29 of this record.

In testimony whereof I have hereto set my hand and affixed the seal of our Sixth Judicial District Court, at Baton Rouge, this twenty ninth day of November, A. D. (1848) eighteen hundred and forty eight.

[SEAL.] (Signed) M. MORENO,
Dep. Clk.

Nota.—The four last documents were admitted by the Court subject to the objections raised by the defendant and intervenors as to their admissibility in evidence.

Attest: ROBR. M. LUSHER,
Dy. Clerk U. S. Dist. Court.

Seventh:—The plaintiff offered Document G, entitled thus

"*Plaza de Baton Rouge, Año de* 1808.

"Testimonio del ultimo despacho librado por el Tribunal de Panzacola, annulando la venta de las tierras del Difto. Sor. Auditor Dn. Nicolas Maria Vidal, y mandando se buelean a vender"—which document is in the words following, to wit:

"Dn. Vicente Folch y Juan, Coronel de los Rs. Extos., Gobernador Politico y Militar de esta Provincia de la Florida occidental, Inspector de las Tropas veteranas y Milicias de ellas, Vice Patrono Real, Juez subdelegado de la Super-Intendencia Général de Correos por S. M. Al Sor. Dn. Carlos de Grand-Pré Gobernador y comandante del Puesto de Baton Rouge, hago saber que á consequencia de lo representado por parte de los acreedores y heridores del difunto Dor. Dn. José Ma. Vidal, en los autos de su mortuoria á recaído el dictamen y decreto que su tenor es como sigue—Panzacola y Abril seis de mil ochocientos ocho.—Mediante á que en la junta celebrada en primero de Diciembre del año po. po. se accordó la vente de las tierras de esto bienes, situado en Baton Rouge con el plazo de un año, y en paños distintos, y cuyo acuerdola que dado firme por habesse mandado satisfacer confianza á Dn. Franco Gutierez de Arroyo los quatro mil pesos de su cobranza, hipotecados en la propria tierra; siendo por consequencia nula y de ningun efecto la venta que de ella se hubiese celebrado en virtud de la anterior concurrencia por haberse esta imbalidad segun el recurso que oportunamente hicieron contra ella los demas acredores; librese nuevo Despacho al Sor. Gobernador, commandante del Puesto de Baton Rouge, con incercion de esta Providencia para que disponga, se pregonen otra vez por el termino de derecho, los referidos paños de tierra, debiendolos rematar en el mejor postor con plazo de un año

para la exhivicion del precio y en distintas porciones proporcionadas, baxo la misma estimacion, ó abaluo que se hizo de ellas. Fasense las ultimas costas y paguense del dinero existente mediante la proximidad del puesto, Folch, Hernandez.

Y para que lo referido tenga su puntual cumplimiento, mando librar el presente en Panzacola á nueve de Abril de mil ochocientos ocho años. Vicente Folch. Por mandado de S. Sria, Domingo Sousa, Anastacio Montes de Oca.

En la Plaza de Baton Rouge á los diez y ocho dias del mes de Mayo de mil ochocientos y ocho: Yo Dn. Carlos de Grand-Pré coronel de los Rs. Extos. Gobernador Militar y Politico de la referida Plaza y su Distrito, para dar cumplimiento al antecedente Despacho librado por el Tribunal de la Plaza de Panzacola, por el quedando por nula y de ningun efecto, la venta que, en virtud de otra providencia anterior del mismo Tribunal de once de Agosto del año proximo pasado, se verifico en esta, de las tierras de la testamentaria del difunto Sor. Auditor de Grra. Dn. Nicolas Ma. Vidal, manda se buelvan á vender y rematar en el mejor postor con plazo de un año para la exhibicion del precio, y respecto á no haber en toda la extencion de este Distrito Escribano Publico para que actue en estas diligencias, nombro de testigos de asistencia á Dn. Eulogio de Casas Granda Almacen de esta Plaza y á Dn. Martin Visoso vecino de ella, quienes estando presente aceptaron este encargo y ofrecieron baxo juramento de exercerlo fiel y legalmente y lo firmaron conmigo, Carlos de Grand-Pré, Eulogio de Casas, Martin Visoso.

Baton Rouge veinte y nueve de Mayo de mil ochocientos y ocho. Hagase Saber á Dn. Armand Duplantier, á quien, en virtud del primer despacho librado por el tribunal de la Plaza de Panzacola, fueron rematados las tierras de la testamentaria del difunto Sor. Auditor de Guerra Dn. Nicolas Maria Vidal, debuelva los planos y titulos de ellos que en su consequencia se le habian entregado, mediante haberse anulado aquella venta por nueva Providencia del mismo tribunal, y en caso de ausencia notifiquese á su apoderado si lo tubiese en esta Plaza y su distrito. Grand-Pre.

A los treinta dias del mes de Mayo de dho. año, nosotros los testigos de asistencia, Solicitamos la persona de Dn. Armand Duplantier para notificarle el antecedente decreto, y se nos informo hallarse ausente de este distrito y que Dn. Hipotylo Tivollier lo representa en esta Plaza, mediante el Poder Gral. que le tiene otorgado, por cuya causa hicimos saber al expresado Tivollier el citado Decreto y contesto, que los planos y titulos de las tierras que fueron rematadas á Dn. Armand Duplantier deben hallarse en poder de este, y que como el nuevo despacho librado por el Tribunal de Panzacola en que se anula dha. venta es gravatoria y perjudicial á los intereses del expresado Duplantier, en nombre de este, no podia menos de protestar, como protesta, los daños, perjuicios y menos cabos que resulten, contra quien haya lugar, suplicando al tribunal le admita dha. protesta

en dibida forma, y para que conste lo firmó con nosotros los testigos Hipolito Tivollier, Eulogio de Casas, Martin Visoso.

Es conforme al Despacho origenal que se ha recibido ultimamente de la Plaza de Panzacola, y diligencias practicadas en su conseqa. hasta el de hoy. Y para que conste doy la presente á solicitud de Dn. Armand Duplantier en tres foxas utiles de papel comun, por no estar en este el sellado, firmado de mi mano y sellado con el sello de mis Armas, Baton Rouge seis de Junio de mil ochocientos y ocho años.

[SEAL.] (Signed) CARLOS DE GRAND-PRE.

Endorsement on the foregoing document G.

"U. S. Dist. Court; No. 44: Labatut Claim, G. Annexed to "deposition of Le. Bouligny, Mar. 13, 1849.

"ROBR. M. LUSHER, *Commr.*"

And "off'd. in evce. by Plaintiff, Mar. 26, 1849, and filed as such.

"ROBR. M. LUSHER, *Dy. Clerk.*"

Eighth.—The plaintiff offered document E. thus endorsed—"25 "Fevrier 1804 venti de terre Jean Bte. Labatut à Nicolas Maria Vidal;" which document reads as follows, viz.:—

Cesion.—En la Ciudad de la Nouvelle Orléans, a veinte y cinco de Febrero del año mil ochocientos quatro, y el vigesimo octavo de la Independencia Americana; ante mi el notario y testigos, parecio Dn. Juan Bauta. Labatut, vecino y del comercio de esta Ciudad, á quien doy fée conozco y dixo: y declara que por encargo y recomendacion del Señor Dn. Nicolas Maria Vidal, Teniente Gobernador y auditor de guerra que ha sido de esta provincia de la Luisiana y al presente lo es de la Florida occidental, ha comprado de la Real Hacienda diez y seis mil arpanes planos de tierra relenga y vacante en el destrito de Baton Rouge, Manchac y Feliciana, de que se libro el competente titulo por el Sor. Intendente interino Dn. Juan Ventura Morales en veinte de Enero proximo pasado, habiendo pagado los dros. de dicho titulo el referido Sor. Dn. Nicolas Ma. Vidal, como tambien las cartas del expediente, los gastos del apeo y medida, el valor de las expresadas tierras, y su media annata con el diez y ócho por ciento de su conduccion: En cuya virtud otorga que hace cesion formal, y traspaso de ellos al memorado Sor. Dn. Nicolas, para que las posea y goze en propiedad, y las pueda vender, y enagenar, disponiendo á su voluntad como dueño y legitimo propietario de dhas. tierras segun mejor le convenga, para lo qual le hace entrega formal del insinuado titulo original.

Y estando presente el referido Sor. Dn. Nicolas Maria Vidal, dijo que acceptaba y accepta la mencionada cesion y traspaso de los diez y seis mil arpanes de tierra expresados en la conformidad que va referiday por los motivos que se han expuesto y confesa haber

cibido y tener en su poder el titulo original que va mencionada, de que otorga formal recivo: asi lo otorgaron y firmaron: siendo testigos Dn. Joaquin Lozano y Dn. Juan Bauta. Ramirez, vecinos y presentes—la minute est signée—"Juan Bautista Labatut, Nicolas Ma. Vidal.

PIERRE PEDESCLAUX, *Not.*

Pour copie conforme à l'original reste en mon etude pour recours, en foi de quoi, j'ai signé le present et apposé le sceau de mon office à la Nouvelle Orléans, le douze Juin mil huit cent vingt sept.

[SEAL.] (Signed) LOUIS T. CAIRE,
Not. Pub.

Endorsement on foregoing Doc. E.

"U. S. Dist. Court, No. 44, E. Labatut claim. Off'd in evidence by plaintiff, & filed, Mar. 27, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Ninth.—The plaintiff offered in evidence document I. being a power of attorney executed by Jerome Sabin Perrin in favor of Hyppolite Tivollier; which reads as follows, to wit:—

Pardevant nous Narcisse Brontin, dûment commissionné et autorisé Notaire Public pour la ville et paroisse de la Nouvelle Orléans y demeurant et les témoins ci-après nommés—Fut présent Monsieur Jerome Sabin Perrin, habitant de la Paroisse de Baton Rouge, présentement en cette ville.

Lequel a, par ces présentes, fait et constitué pour son procureur général et spécial Monsieur Hyppolite Tivollier habitant et propriétaire de la Paroisse de Baton Rouge.

Auquel il donne pouvoir, de, pour lui, et en son nom, regir et adminstrer tous les biens et affaires qu'il a et peut avoir dans la dépendance de Baton Rouge et lieux circonvoisins; recevoir de qui il appartiendra, toutes sommes qui sont ou serent dues au dit constituant, tant en capitaux qu'interests et revenues echus et a échoir, par billets, comptes courants, obligations, jugements, marchés, contrats, et a quelque autre titre que ce soit; entendre, débattre, close et arrêter tous comptes, en fixer le reliquat, le payer ou recevoir, suivant qu'il y aura lieu, accepter en payement, tous effets, billets et créances. Vendre les biens meubles et immeubles du Sieur Constituant, a tel prix, charge, clauses et conditions que le procureur constitué jugera convenables, en toucher le prix, ou accorder des délais pour le payement, obliger le constituant à toute garantie, de toutes sommes reçues donner quittances et décharges valables, consentir toutes mentions et subrogations avec ou sans garantie. A défaut de payement ou en cas de contestation ou difficultés, citer et comparaître, tout en demandant qu'en défendant, devant tous bureaux de conciliation, s'y concilier, s'y faire se peut, traiter et composer;

à défaut de conciliation, citer et comparaître devant tous autres juges et tribuneaux, plaider, s'opposer, appeler, faire toutes demandes, obtenir jugements les faire mettre a exécution, exercer toutes pour suites, contrariétés et diligences necessaires, former des oppositions, saisie arrêt, prendre des inscriptions, poursuivre les expropriations forcées surencherir, provoquer les ordres et distributions de Deniers Recus.

Donner main levées de toutes saisies, oppositions, contrariétés, empêchements et inscriptions, en consentir la radiation, donner tous désistemens; elire domicile, rendre ou relivrer tous titres et pieces en donner ou retirer toutes décharges. Nommer tous Avocats, Avoués ou Défendeurs, Arbitres, Surarbitres, experts, tiers experts, substituer une ou plusieurs personnes en tout ou partie, des présents pouvoirs, les revoquer, en substituer d'autres, signer au sujet de ceque défait tous actes. Et généralement faire pour parvenir aux fins des présentes tout ce que le procureur constitué jugera convenable quoique non prévu en ces mêmes présentes promettant de le ratifier, si besoin est, et s'obligeant d'indemniser le procureur constitué de tous frais avancés et deboursés. Fait et payé à la Nouvelle Orléans, en l'etude de nous Notaire, le quatorzieme jour du mois d'Avril de l'année mil huit cent dix et la trente quatrième de l'Independance Americaine en présence de Messieurs Pierre François Lucien, Godefroy & ez. heroux tous deux temoins erquis et domiciliés en cette ville qui ont, ainsi que le sieur constituant, signer avec nous Notaire après lecture faite.

La minute est signée, Perrin, Godefroy, ez. heroux, Narcissus Brontin, Not. Pub.

Je certify la présente (*présente*) copie conforme a l'original resté entre mes mains; en foi de quoi j'ai apposé mon seing et le sceau de mon office à la Nouvelle Orléans les memes jours, moi et an que dessus, tant sur le territoire Espagnol qu'Americain.

[SEAL] (Signed) NARCISSUS BRONTIN,
Noty. Pub.

Endorsement on foregoing Doc. I. "U. S. Dist. Court, 44 I. Labatut claim. "Annexed to deposition of Ls. Bouligny, Mar. 18, 1849, Robr. M. Lusher, Commis." and "off'd in evce. by plaintiff & filed, Mar. 26, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*

Tenth—The plaintiffs offered in evidence Document J. being a sale of land by Tivollier to F. Duplantier, May 9th 1811; which reads as follows, to wit:

Paroisse de Baton Rouge, le neuvieme jour due mois de May de l'année mil huit cent onze. Je soussigné Hypolite Tivollier demeurant en la dite Paroisse, chargé de procuration du Sieur Sabin Perrin declare par la presente au nom du susdit mon chargé de pouvoir,

aujourd'hui vendu, cede, quitté, transporté et delaissé de maintenant et pour toujours, avec garantie de tous troubles, dettes, hypotéques, evictions et alienations quelconque au sieur Fergus Duplantier cy present et acceptant pour lui ses hoirs ou ayant cause toutes les terres que le susdit mon chargé de pouvoir a acquises à l'encan public qui s'est fait le vingt sept Juin mil huit cent huit, de biens de feu Auditeur de Guerre Dn. Nicolas Maria Vidal, savoir un lot de huit cent vingt sept arpens, un ditto de deux mil sept cent quatrevingt un arpens, un autre de deux mil cinq cents arpens, un autre de quatre mil cinquante deux arpens, et finallement un dernier lot de cinq mil huit cent quarante arpens.

Les quelles dittes terres sont par la présente vendues au susdit Sieur Duplantier pour la somme de six mille piastres gourdes que je déclare avoir reçu comptant, dont est quitte le dit sieur acquereur; me devistant, ainsi que mon susdit chargé de pouvoir, de tous droits de propriété et domaine qu'il avait sur les dittes terres, nous référant aux titres deposés au Greffe de la Paroisse este de Baton Rouge; et m'obligeant en outre à en passer une vente authentique par devant notaire à la première requisition du dit sieur acquereur; fait et passé de bonne foi en présence des temoins soussignés les jours mois et an que dessus.

(Signed) Po. procuration de
Mr. GME. SN. PERRIN,
HTE. TIVOLLIER,
C. PARENT, *Temoin.*

(Signed) F. DUPLANTIER.
(Temoins) N. LEBOUCHER.
(Temoins) EDWD. HERRIES.

PARISH JUDGE'S OFFICE,
Parish of East Baton Rouge:

Recorded in my current Register OF. 237, No. 288 this 7th of March 1834.
(Signed) CHAS. TESSIER, *P. J.*

Endorsement on foregoing doc. J.
"U. S. Dist. Court. No. 44, J. Labatut Claim. Annexed to "deposition of Ls. Bouligny, Mar. 13, 1849.
"ROBR. M. LUSHER,
"*Commir.*"

"Also referred to in deposition of C. Parent: off'd in evidence by "plaintiff and filed, Mar. 26, 1849.
"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Eleventh—The Plaintiff offered—

Deposition of C. Parent taken under Commission and Interroga-

tories, issued March 19th, 1849; which Commission, Interrogatories and Depositions are as follows, to wit:

Commission.

District Court of the United States for the District of Louisiana.

To Jesse R. Jones, or M. G. Penn, Esq. or any Judge or Justice of the Peace for the Parish of Saint Tammany, Louisiana:

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you C. Parent, Esq. and him duly examine on oath, touching and concerning certain matters and things as set forth in the annexed interrogatories, in a cause now depending in the said court, wherein Joséphine J. Duplantier is Plaintiff and the United States are Defendants; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this Writ, together with the document (J) and interrogatories annexed.

Witness the Hon. Theo. H. McCaleb, Judge of said Court, at the city of New Orleans, this 19th day of March A. D. 1849 and the 73d year of the Independence of the United States of America.

[SEAL.] (Signed) ROBR. M. LUSHER,
Dep. Clk.

Interrogatories.

JOSEPHINE DUPLANTIER
vs.
THE UNITED STATES.

United States District Court.

Interrogatories to be propounded to C. Parent, residing in the Parish of St. Tammany, a witness for plaintiff whose answers taken under commission to the court will be read in evidence on the trial.

1st. Please state your name, age and residence.

2d. Will you examine the documents hereto annexed purporting to be an act of sale from Hyppolite Tivollier agent of Sabbin Perrin to Fergus Duplantier and to which the name of C. Parent is signed as one of the witnesses and state whether or not you signed the said act as witness and whether you witnessed the execution of the said instrument and whether or not the signatures of Hypolite Tivollier and of Fergus Duplantier the parties to said deed are or not their true and genuine signatures.

3d. Will you please state whether the other witnesses to said deed are or are not living, and if living whether they are or are not absent from the State; and do you or not recognize said signatures as the genuine signatures of said witnesses?

4th. Were you or not acquainted with the said Tivollier & with

1312.

the said Fergus Duplantier? Do you know and can you state whether the said Fergus Duplantier was or was not the son and one of the lawful heirs of Armand Duplantier decd. whether or not both the said Fergus and Armand Duplantier are dead?

5th. If you know any other matters or things material to the parties to this suit, in connection with the above subject matter of your examination please state the same as fully and particularly, as if interrogated thereto.

(Signed) A. N. OGDEN,
Atty. for Plaintiff.

Cross Interrogatories.

1st. Have you any interest direct or indirect in the result of this suit?

2d. Will you gain or lose any of the land mentioned and claimed in petition should the cause be decided for or against the petitioners?

3d. If you depose to the genuineness of any other signature than your own, state the grounds of your knowledge, as to whether you have frequently seen the parties write or sign their names; or what other sources of knowledge you may have.

4th. Do you know or can you set forth any other matter or thing, which may be a benefit or advantage to the parties at issue in this cause or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea set forth the same fully and at large in your answer.

(Signed) THOMAS J. DURANT,
Atty. U. S. for La.

UNITED STATES OF AMERICA,
STATE OF LOUISIANA:
Parish of St. Tammany.

Be it remembered that by virtue of a commission issuing out of the District Court of the United States for the District of Louisiana, directed to Jesse R. Jones or Martin G. Penn or any judge or justice of the peace for the parish of St. Tammany, Louisiana, to take the deposition of Mr. Charles Parent, in a suit pending before the District Court of the United States for the District of Louisiana in which Josephine Duplantier is plaintiff and the United States are defendants—

I Martin G. Penn one of the above named commissioners residing in the Parish of St. Tammany did cause to come before me at my residence in the town of Covington, parish aforesaid, the said Charles Parent who being by me duly sworn upon the Holy Evangelists of Almighty God, well and truly to make answers to the said interrogatories annexed to the said commission, and in answer thereto to declare the truth, the whole truth, and nothing but the truth, did answer and say as follows, to wit:

To the 1st. interrogatory he answers and says that:

His name is Charles Parent, he resides in the Parish of St. Tammany and is upwards of sixty years of age.

To the 2d interrogatory he answers and says that:—

He has examined the document annexed to the interrogatories, purporting to be an act of sale from H. Tivollier agent of Sabin Perrin to Fergus Duplantier; he acknowledges to have signed the same as a witness and recognizes his signature and recollects well of having witnessed the execution of said act.

To the 3d interrogatory he answers and says that:—The other two witnesses who signed said document with him are both deceased—cannot say that he recognises their signatures but recollects very distinctly the circumstance of their having signed said document with him, as also the parties. To the 4th interrogatory he answers and says that: He was well acquainted with Hypolite Tivollier and Fergus Duplantier—he knew the said Fergus Duplantier to be the son and one of the lawful heirs of Armand Duplantier deceased—and knows also that both the said Armand and Fergus are dead.

To the 5th interrogatory he answers and says that: He does not know of any other matters or things material to the parties of this suit further than what he has already stated in the above answers.

Cross Interrogatories.

To the 1st cross-interrogatory he answers and says that: He has no interest direct or indirect in the result of this suit:

To the 2d cross-interrogatory he answers and says that: He will neither gain nor lose any of the land mentioned and claimed in petition should the cause be decided for or against the petitioners.

To the 3d cross-interrogatory he answers and says that: He recollects perfectly well of having seen Tivollier and Fergus Duplantier sign said document, together with the other two witnesses besides himself, Le Boucher and Herreis.

To the 4th cross-interrogatory he answers and says that: He does not know nor cannot set forth any other matter or thing, which may be a benefit or advantage to the parties at issue further than he has already stated in the above answers.

(Signed) CH. PARENT.

Subscribed and sworn this 21st day of March 1849 before me.

(Signed) M. G. PENN,

Commissioner acting under appointment of Court.

The depositions above taken are my actings and doings under the commission aforesaid, and that the foregoing two pages of manuscript contain the entire answers of the witness to the interrogatories and cross-interrogatories; all of which together with the document (J) are herewith returned to court under my private seal.

In testimony whereof I have hereunto signed my name and affixed

my private seal at the town of Covington, parish and State aforesaid on this 21st day of March 1849.

[SEAL.] (Sign'd) M. G. PENN,
Commissioner.

Endorsement on Commission, &c. closing on the reverse hereof.

"U. S. Dist. Court. No. 44, Labatut Claim.

"Opened by order of Court, Mar. 23d 1849, and with Doc. J. "off'd in evidence by plaintiff and filed, Mar. 26, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Twelfth—The plaintiff offered Will of Fergus Duplantier, annexed to plaintiff's petition and already copied on pages 8–9 of this transcript.

Thirteenth—The plaintiff offered deposition of John McDonogh, in relation to heirship of Fergus Duplantier; which deposition reads as follows, to wit:

JOSEPHINE DUPLANTIER, vs. THE UNITED STATES. } No. 44.

Testimony taken in open court, March 26th, 1849.

John McDonogh, Esq. witness for the plaintiff being duly sworn deposes as follows:

Was acquainted with Fergus and Armand Duplantier, who are now both dead. Fergus Duplantier was the lawful son of Armand Duplantier.

No cross-questions by District Attorney.

(Signed) JOHN McDONOGH.

Attest: (Signed) ROBR. M. LUSHER,
Dep. Clk.

Endorsed—"U. S. Dist. Court, 44, Labatut claim, off'd in "evidence by plaintiff & filed March 26, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

Fourteenth.—The plaintiff offered deposition of Louis Bouligny, in relation to signatures to various documents offered by plaintiff, which deposition is in the words following to wit:

Deposition of Louis Boligny as to signatures to documents A. B. C. D. and E., filed June 15th 1846, and documents F. G. H. I. J. K. L. M. annexed hereunto, this 13th March, 1849.

(Signed) ROBR. M. LUSHER,
Dep. Commissioner in Land Causes.

U. S. District Court for Louisiana.

JOSÉPHINE J. DUPLANTIER
vs.
THE UNITED STATES. } 44.

Tuesday Mar. 13th 1849.

Testimony taken herein by consent, A. N. Ogden, Esq. for complainant, and the U. S. District Attorney for defendants, present: before Robr. M. Lusher Dep. Clerk U. S. District Court, and under ninth rule of practice in Land Causes Dep. Commissioner therein for taking testimony to be used on the trial of such causes; to wit:

Louis Bouligny, Esq. witness for the plaintiffs, being duly sworn according to law, deposes as follows:

On being shewn the document marked A. filed in this cause June 15th 1846. He says that the signatures of Juan Ventura Morales, Carlos Ximenes, Carlos Ximenes, Manuel Ramirez, Gilberto Léonard, Carlos Ximenes, and Pedro Pedesclaux thereto successively attached, are their genuine signatures respectively. The said Pedesclaux was a Notary Public of the Government of Spain, and Louis T. Caire now has in charge the archives of his office.

On being shewn document B. filed June 15th 1846. He says that the five signatures of Carlos Trudeau therein successively found are the genuine signatures of said Trudeau.

On being shewn document C. filed, June 15th 1846, he says that the signatures of Juan Ventura Morales, Carlos Ximenes, Carlos Ximenes, Manuel Arminez, Gilberto Léonard, and Carlos Trudeau, five times in succession, thereto all successively attached, are the true and genuine signatures of the said persons respectively.

On being shewn document D. filed, June 15th 1846, he says that the signature of Carlos Trudeau thereto attached is his true and genuine signature.

On examining document E. filed, June 15 1846, he says that the signatures of Juan Ventura Morales, Carlos Ximenes, Gilberto Léonard, Manuel Armirez, and Carlos Ximenes thereto attached, are the true and genuine signatures of said persons respectively.

On being shewn a certain doc. hereunto annexed and marked F., he says that the signature, seal, and escutcheon of Carlos de Grand-Pré thereto are the veritable and genuine signature, seal, and escutcheon of the said Carlos de Grand-Pré.

On being shewn document hereunto annexed and marked G. he

says that the signature, seal, and escutcheon of Carlos de Grand-Pré thereto attached are the veritable and genuine signature seal and escutcheon of said Carlos de-Grand-Pré.

On being shewn doc. hereunto annexed and marked H. he testifies that the signature thereto of Carlos de Grand-Pré is also genuine.

On being shewn doc. annexed and marked I. he testifies that the signature of Narcissus Brontin thereto is genuine.

On being shewn Document annexed and marked J. he testifies that the signature thereto of Charles Tessier is his genuine signature.

Shewn Document K. annexed hereunto, testifies that the signature of Antonio Cruzat thereto is his genuine signature.

Shewn Document L. hereunto annexed, testifies that the signatures thereto of Guttierez de Arroyo and Juan Ventura Morales are genuine.

On being shewn Document M. hereunto annexed, witness testifies that the signature thereto of Franco. Maximil. y Maxent and Carlos Reggio are their genuine signatures.

Witness further deposes that Juan Baptista Labatut to whom the concession of sixteen thousand arpents herein was made was at the date thereof a resident of the Province of Louisiana and of the city of New Orleans; that Armand Duplantier to whom the concession of 10,000 arpents was made was also, at the date thereof, a resident of the Province of Baton Rouge, and that both of them resided therein up to and on the 10th of March, 1804, and that Fergus Duplantier was the son and one of the heirs of Armand Duplantier deceased.

Witness further deposes that he knows all of the Spanish officers whose signatures he has already verified to have filled all the offices which from the Documents in question they seem to have filled; that they were authorized therein to act; that witness himself was engaged in the service of the Spanish government; that Juan Ventura Morales at the date of the concessions was contador and acting as intendent ad interim; that witness was living in New Orleans at the time the documents were signed.

Witness' knowledge of the signatures which he has verified is founded on his great familiarity with said signatures. He has seen Morales write, and also Arroyo, and also Trudeau.

At the time of the concessions in question the Spanish government were in free and undisturbed possession of the soil.

No cross-examination.

(Signed) L. BOULIGNY.

I, Robert Mills Lusher, Deputy Clerk U. S. District Court for Louisiana, and ex-officio Deputy Commissioner for taking testimony in land causes, do hereby certify, that the foregoing (4½) pages contain the true and exact deposition of Louis Bouligny, Esqre. on certain documents submitted to his inspection, and marked as herein indicated; that said deposition was taken down in presence of the respective parties named in the caption hereof, read over to the witness, and by him signed in my presence. Witness my hand and seal hereunto, this 13th March, A. D. 1849.

[SEAL.] (Signed) ROBR. M. LUSHER,
Dep. Commissioner in Land Causes.

Endorsed: "U. S. Dist. Court—44.—Labatut claim. Off'd in ev'ce by pl'ff. filed Mar. 26. 1849.

ROBR. M. LUSHER,
Dy. Clerk.

Fifteenth—The Plaintiff offered—Deposition of Antoine Cruzat, in relation to same; which deposition is as follows, viz:

U. S. District Court for Louisiana.

JOSEPHINE DUPLANTIER, vs. THE UNITED STATES.

Testimony taken in open court, March 26th, 1849.

On being shown documents herein as follows:

Antoine Cruzat, Esq: being sworn deposes:

Document A.

Recognizes as genuine the signatures of Juan Ventura Morales, Carlos Ximenes, Carlos Ximenes, and Gilberto Léonard and Manuel Armirez—and Carlos Ximenes; with all of which he is well acquainted.

Document B.

Recognizes as genuine the five successive signatures thereto of Carlos Trudeau—with which witness is well acquainted.

Document C.

Recognizes as genuine the signatures thereto of Juan Ventura Morales, Carlos Ximenes, Carlos Ximenes, Gilberto Leonard and Manuel Armirez; also the five successive signatures thereto of Carlos Trudeau.

Document D.

Recognizes thereto the signature of Carlos Trudeau as genuine.

Document E.

Recognizes thereto the signatures of Juan Ventura Morales, Carlos Ximenes Gilberto Léonard, Manuel Armirez, Carlos Ximenes, and Carlos Trudeau, as genuine.

Document F.

Recognizes the entire body of this document as in his own (witness') handwriting, and the signature thereto of Carlos de Grand-Pré (Governor) as genuine. Witness was the said governor's secretary at the time of the writing.

Document G.

As to this document witness gives the very same testimony as to Document E. (the body in his own handwriting, the signature genuine.)

Document H.

Deposes in same way precisely as to Documents F. & G.

Document I.

Not being very familiar with the signature of Brontin, cannot testify to that hereto; knows that said Brontin was a Notary Public at New Orleans.

Document J.

Knows none of the signatures hereto except that of Charles Tessier, which he recognizes as genuine.

Document K.

Is not very familiar with the signature of Tivollier, but recognizing witness' own writing and signature to this document has every reason to believe that said signature of Tivollier is genuine.

Document L.

Is perfectly well acquainted with the signature of Francisco Gut-

tierriez de Arroyo; recognizes the signatures (two) of said Arroyo and that of Juan Ventura Morales to this document as genuine.

Document M.

Recognizes thereto the signature of Francisco Maximilien St. Maxent as genuine; does not know that of Carlos Reggio.

Witness further deposes that the persons to whose signatures he has testified, were all officiating in the capacity in which they appear in the documents.

District attorney being present has no cross-questions to propound to the witness.

(Signed) A. CRUZAT.

Attest:

(Signed) ROBR. M. LUSHER,
Dep. Clk. U. S. District Court.

Endorsed: "U. S. Dist. Court. 44. Labatut claim. Off'd in evce by plaintiff and filed, Mar. 26, 1849.
"ROB. M. LUSHER,
Dy. Clerk.

Sixteenth—The Plaintiff offered—Transcript from Land Office at Greensburg, Parish of St. Helena, La., to prove presentation of the claim to the commissioner of land claims; which transcript *opens* and *closes* as hereinafter set forth to wit:

Opening.

"Notice No. —.

"To James O. Cosby, Esqr., commissioner of land claims west of "Pearl River; Sir, take notice that I claim as agent for Sabin Per-"rin 16,000 arpents of land (827) in the Parish of Feliciana (15183) "in the Parish of Baton Rouge in virtue of a complete Spanish patent "for the same dated the 20th of January 1804 with five plats and a "certificate of survey dated the 7th December 1803 by Chs. Trudeau "surveyor gl. in virtue of a decree of the Intendant Morales, dated "27th 7bre. 1802 in favor of John B. Labatut who represented "Joseph Maria Vidal as appears by document and receipt therein "mentioned—said land was bought at public sale in the town of "Baton Rouge by Sabin Perrin as appears by the certificate here-"with submitted of the Judge of the Parish of East Baton Rouge "said sale was made by order of the Spanish government on the

"27th day of July 1808. Agent does not know whether this land "was ever inhabited or cultivated.

"FS. HERAULT."

Nota.—In this Transcript, here follow, from page 1 to 23 as "Written evidence of Notice No. —," copies of the Spanish documents A (receipt thereto annexed encluded, already copied herein from page 22 to 29) and B (already copied herein from page 43 to 58)—which I attest.

ROBR. M. LUSHER,
Dy. Clerk U. S. Dist. Court.

Close.

"UNITED STATES LAND OFFICE,
"*Greensburg, Parish of St. Helena, La. March 14th*, 1839.

"I hereby certify that the preceding twenty-three pages including "the above on this page, containing notice of claim, (Spanish Pa- "tent, plats and certificates of survey), are truly and correctly copied "from Record, Book C. No. 4 in this office, commencing on page "75 and ending on page 95 of said book, and including the inter- "vening pages.

"In witness whereof I hereunto annex my signature officially date "last above written.

"NICOLAS BAYLIES,
"*Register.*"

Close of evidence offered by plaintiff in support of "Labatut Claim."

Nota.—The evidence offered in relation to said "Labatut Claim," by the Intervenors has been withdrawn from the files as shewn by the following

Receipt.

Filed Septer. 1st, 1849.

U. S. DIST. COURT,
Eastern Dist. of Louisiana:

Received of the clerk of said court the eight several documents offered in evidence by the Intervenors in the case of

JOSNE. DUPLANTIER
vs.
THE UNITED STATES. } No. 44.

On the 26th March, 1849, as particularly set forth on the Genl. Docket of Land Claims.

Also all papers deposited with the Judge of this court in relation to said intervention.

New Orleans, Sept. 1*st*, 1849.

(Signed) JOHN P. WILDE,
Atty. for Intervenors.

In presence of
(Signed) ROBR. M. LUSHER,
Dy. Clerk.

II. The plaintiff offered as evidence in support of the Duplantier claim (10,000 arpents).

First.—Document L. Copy of the King's edict in relation to the granting of lands, &c., which document reads as follows, to wit:—

En Real orden de esta fecha comunico al Gobernador de esta Provincia lo que sigue. El Rey se ha servido resolver en vista de la Carta de V. S. de 31 de Agosto del año pasado No. 8 dirigida al Señor Principe de la Paz y otra del Intendente interino de esta Provincia de 16 de Octubre del mismo año No. 174, relativas a la facultad de conceder y repartir tierras realengas en el distrito de su mando, cuyo privilegio estaba radicado en el Gobierno Politico y Militar desde la Real orden de 24 de Agosto de 1774: que por consideraciones del mejor servicio y exacto arreglo de lo mandado en el articulo 8 de la Real ordenansa de Intendentes de Nueva España, se reintegre y sea privativo á la Intendencia de esa provincia el derecho de conceder y repartir toda clase de tierras con inhivicion de otra autoridad en los terminos legales que previenen las leyes; deviendo quedar por consequencia derogada y suprimida la facultad que residia antes en el Gobierno para estas gracias, las quales seguiran en lo succesivo á cargo de la Intendencia. Traslado a vmd. esta Real Orden para su inteligencia y respectivo cumplimiento. Dios guarde á vmd. muchos años. Sn. Lorenzo 22 de Octubre de 1798. Soler, Señor Intendente interino de la Luisiana.

El Rey se ha servido aprobar que vmd. haya dispuesto la venta de algunas tierras realengas en el distrito de Baton Rouge con acuerdo de los comisarios de S. M. para la entrega de esa provincia. Y lo aviso a vmd. de Real Orden para su inteligencia en contestacion á su Carta de 5 de Diciembre del año proximo pasado No. 265. Dios guarde á vmd. muchos años. Aranjuez, 22 de Mayo 1804. Soler. Señor Dn. Juan Ventura Morales.

Enterado el Rey de lo que vmd. expone en sue Carta reservada de 31 de Julio proximo pasado No. 48 en la que da cuenta de que el Commandante de Panzacola Dn. Vicente Folch habia mandado al Gobernador de Baton Rouge, que desde el dia 20 de Junio no permitiese hacer apeos de tierras sin su orden ni que se diese posecion de las vendidas por la Intendencia desde el 18 de Mayo de 1803 de lo qual se siguen los perjuicios que vmd. expresa, ha resuelto S. M.

cá se Comunique á dicho Comandante como lo executó con esta fecha, lo dispuesto en las Reales Ordenes de 22 de Octubre de 88, 14 de Noviembre de 99, y 29 de Mayo 804, declarando por consequencia que vmd. debe continuar hasta su conclusion los expedientes que haya pendientes sobre venta de tierras y los demas que pueden ocurir y espera que vmd. con su notorio de lo, procurará sacar de este ramo todas las ventajas posibles a favor del Real Erario. Todo lo qual participo á vmd. de orden de S. M. para su inteligencia. Dios guarde a vmd. muchos años. Aranjuez 20 de Febrero de 1805. Soler. Señor Intendente interino de la Luisiana.

Las tres copias que anteceden son conformes á las Reales ordenes que existen en los Archivos de la Secretaria de la Intenda. general de esta provincia que esta á mi cargo de que certifico:—Panzacola veinte y cinco de Agosto de mil ochocientos y doce.

(Signed) FRANCO. GUTTIERREZ DE ARROYO.

Don Juan Ventura Morales Intendente de Proa. é interino en esta de la Florida occidental, con la subdelegacion de la Superintendencia general de Rl. Haza. Juez de Aribadas de Tierras y Solares, &a.

Certifico: que la firma que antecede de Dn. Franco. Gutierrez de Arroyo, Secretario de esta Intendencia es la que husa y acostumbra en todos sus escritos Judiciales y estrajudiciales y se les da entera fee y credito. Y para que conste doy la presente firmada de mi mano, sellada con el escudo de mis armas y refrendada pr. el mismo secretario en Panzacola a veinte y seis de Agosto de mil ochocientos y doce.

[SEAL]. (Signed) JUAN VENTURA MORALES,
" FRANCO. GUTTIERREZ DE ARROYO.

Endorsement on the foregoing Document L.

"U. S. Dist. Court. No. 44. L. Annexed to Deposition of Ls. "Bouligny, Mar. 13, 1849.

"ROBR. M. LUSHER,
"*Comm'r.*"

"Off'd by plaintiff, objected to and rejected, and filed March 26, "1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Second. The plaintiff offered Document C. purporting to be an original grant to Don Armand Duplantier, April 27, 1804, which document reads as follows, to wit:

Don Juan Ventura Morales, Contador de Extos. Intendente y super intendente interino de la provincia de la Florida occidental, ministro

encargado para el arreglo, y conclucion de los asuntos de Rl. Hacienda en esta de la Luisiana.

Por quanto habiendose presentado en este Tribunal Dn. Armando Duplantier, por medio de su apoderado Dn. Claudio Francisco Girod proponiendo comprar a justa tazacion en el distrito de Baton Rouge quince mil arpanes de tierra planos, cuyo importe satisfaria de contado en certificaciones de credito de estas Rs. Caxas, decrete en veinte y siete de Octubre del año proximo pasado, que si despues de llenas, y complidas las conseciones de tierras solicitadas antes de esta pretencion, sobrasen algunas mas en el estado distrito de Baton Rouge, se accederia á la solicitud, pero reduciendose en tal caso la consecion á solos diez mil arpanes, y no mas, y que en esta inteligencia se pusiere por secretaria copia certificada del oficio dirigido por esta intendencia á los Sres. comisarios de la entrega de esta provincia de resultas de la solicitud que hizo Dn. Thomas Urquhart, de comprar cinquenta mil arpanes de tierra en el mismo Baton Rouge, y de la respuesta que dieron, para motivar el expediente, y que se diese vista al Sr. Fiscal y contextado sin oponerse á la solicitud del citado Dn. Armando, antes si opinando á favor de ella pues propuso la estimacion, apeo, y deslinde de la tierra, prebine que a continuacion se testimoniase el decreto con que mandé pasar á la consulta del Sr. Auditor de Guerra el citado expediente promovido por el nominado Urquhart, y del dictamen que dio en consequencia; que verificado esto por auto de tres de Noviembre, del año proximo pasado, mande librar Despacho al Sor. Gobernador de Baton Rouge, para que se efectuase el apeo, y estimacion de los diez mil arpanes de tierra á que limite la consecion; que en consequencia se formaliso la medida, deslinde y apeo de los diez mil arpanes de tierra por el agrimensor particular Dn. Vicente Pintado, que la reduxo á cinco partes, ó porciones distintas, en diversos parages del distrito de Baton Rouge y de que levanto otros tantos planos figuratibos, y contentivos de los diez mil arpanes de tierra planos que indique mercedar á titulos de venta el enunciado Dn. Armando Duplantier, y de que se hiso la estimacion resultando esta efectuada a razon de diez sueldos, por cada arpan plano, de que mandé dar vista al Sor. Fiscal, quien encontrando todo arreglado, fue de opinion se aprovase la estimacion, y que por el Ministo. de Rl. Hazda. se formase la correspondte. Ministerio de lo que debia satisfacer el comprador, por el valor de la tierra, el Rl. derecho de media annata y su conduccion; a que provey, que arreservado lo que correspondiese en orden á lo pedido por el Sor. Dn. Fiscal, se pasase el Expediente al Agrimensor gral. Dn. Carlos Trudeau, para que examinase las operaciones del particular Dn. Vicente Pintado, y que estando conformes tomase razon, y diese los planos dobles para accompañar con este titulo: que verificada esta diligencia, por auto de veinte y tres del corriente, aprové, la indicada estimacion, y dispuse que el Expediente pasase al Ministerio de Rl. Hacda. para que se ajustase el valor de los diez mil arpanes, que concedi, y que hecho el entero en Arcas Rs. de lo

que resultará, con mas el derecho de media annata, y conduccion; espeditandose por carta de pago se despachase al interesado el titulo de propriedad en forma; que en consequencia se hiso el referido ajustamento, y se verifico el pago del importe por Dn. Raymundo Guillenpan á nombre del interesado Dn. Armando Duplantier de la cantidad de mil, veinte y nueve pesos, y quatro rrs. los un mil, por el valor en que fueron tazados los diez mil arpanes de tierra planos, y los veinte y nueve pesos quatro rs. restantes por el dos y medio por ciento de media annata, y diez y ocho de conduccion á los reynos de España conforme á la carta de pago despachada con fecha de veinte y cinco del Corriente, por el citado Ministerio, de la cantidad relacionada—en cuyo virtud, y hasiendo uso de las facultades que me están conferidas, en nombre del Rey nuestro Señor (Dios le gue.) concedo á titulo de venta, a Dn. Armando Duplantier los diez mil arpanes de tierra planos que le he mercedado, cituados que están en el distrito de Baton Rouge, y parages que se nominarán, en donde se hallan medidos, deslindados, y apeados los diez mil Arpanes de tierra planos mapeadas y figuradas las porciones en cinco distintos lugares de dicho distrito, de que se hará relacion pa. la inteligencia, y conocimiento de las tierras parages de su colocacion, linderos, rumbos, y distancias: conforme á los cinco planos, numerados de 1 á 5 que se verán á este titulo para la clara comprehencion, y demas efectos combenientes, á saver: El Plano No. 1 contentivo de seiscientos, quarenta y ócho Arpanes de tierra planos, cituados en el distrito de Baton Rouge á tres millas del Fuerte del citado puesto al Este de la aguja, lindando por la parte del norte con tierras de Dn. Elias Beauregard, por la del Sur con las de Dn. Antonio Gras por la del Este con las concedidas á Juan Bacon, Susan Baugeret, Juan Say, y Sessé Rattif, y por la del Este con las de la succesion de Dn. Juan Soyse: Que el Plano No. 2 comprehende mil ochocientos, setenta y tres Arpanes en el distrito de la Feliciana, en la margen del Este del brazo del medio del rio del mismo nombre del distrito y a quatro millas y quarta cortas al Sur de la linea de limites entre los dominios de S. M. C. y los Estados Unidos de America: lindando al Norte con tierras de Dn. Manuel Lunzos por la del oeste con el antedicho brazo del Rio Feliciana, y por los demas lados con tierras realengas: Que el Plano No. 3 comprehende tres mil, novecientos setenta y cinco Arpanes, en un paralelogramo retangulo, cituados en el nuevo establecimiento de Sta. Helena, pasando por el centro el Arroyo de Santa Rosalia vulgarmente llamado Sandy Creek, a diez y seis y media millas al sur de la linea de limites ya referido, lindando al Norte con tierras apeadas a favor de Dn. Manuel Garcia, al sur con las de Dn. Gilberto Andry, y las medidas para Dn. Juan de Lassize, y al este, y oeste con tierras vacantes: Que el Plano No. 4 contiene dos mil ochocientos, setenta y quatro Arpanes de tierra, en la margen oriental de Arroyo de Santa Rosalia, ó Sandy Creek haciendo frente a el, y a veinte millas y tercio cortas de la mencionada linea de limites al sur de ella: lindando que estan dichos,

mil, ochocientos, setenta y quatro Arpanes, por la parte septentrional con tierras apeadas para Dn. Juan de Lassize, por la meridional, y oriental con las medidas para Dn. Juan Lind, y por la occidental con el referido Arroyo de Santa Rosalia:

Que el Plano No. 5. comprehende seis cientos quarenta y ócho Arpanes, cituados en la margen occidental del Rio de Sante Helena, o Amit, en media milla mas arriba de la boca del Arroyo de Santa Rosalia ó *Sandy Creek*, lindando que están por la parte azetica con tierras apeadas para Dn. Juan Lind, por la antazetica, y oriental con el dicho rio Amit, y por la occidental con tierras medidas á favor de Dn. Christoval de Armas: todo lo qual se comprueva de los cinco Planos figurativos contentivos de los diez mil Arpanes planos de que se ha hecho relacion a que me remito, y de que imparto al indicado Dn. Armando Duplantier entero, y directo dominio, para que con suyos proprios dichos diez mil Arpanes de tierra planos los posea, disfrute, y disponga de ellos a su voluntad: como tierras que á comprado, y pagado á la Rl. Hacienda y le doy poder para que aprehenda su poscion, y en la que desde luego le pongo y amparo, sin perjuicio de tercero que mejor derecho tenga: con la condicion que ha de cumplir con lo dispuesto en la instruccion que sobre tierras formo, y publicó esta intendencia en 17 de Julio de 1799, de que se readvierte para su inteligencia, y que no alegue ignorancia. En fé de lo qual, mandé despachar el presente, firmado de mi mano, sellado con el de mis armas, y refrendado del infrascrito escriban de Rl. Hacda. quien como la contaduria pral., tomará la razon. Dado en la Nueva Orléans, a veinte y siete de Abril, de mil, ocho cientos quatro.

[SEAL.] (Signed) JUAN VENTURA MORALES.

Por Mdo. del Sor. Intendte.

CARLOS XIMENES.

Queda tomada razon del titulo antecedte. del de 70 hta. la 78 inclusive del Libro que esta á mi cargo para las de esta clace.

(Signed) CARLOS XIMENES.

En el Ministerio pral. de Real Hacda. de nuestro cargo se tomo razon del titulo antecedente á fox 51 bta. del Libro destinado á este fin. Nueva Orléans treinta de Abril de mil ochocientos quatro.

(Signed) GILBERTO LÉONARD.
MANUEL ARMIREZ.

[For Map see original, page 199.]

Don Carlos Trudeau agrimensor genl. de la Provincia de la Luisiana &a. &a.

Certifico, el presente plano copiado de su original que se halla

agregado en el expediente del asunto y sentado en el libro D No. 4 vo. 120 y en virtud del decreto del señor Intendente general en fecha diez y ocho del presente mes de Abril, doy la presente en veinte del mes de Avril de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU,
Agrmr.

[For Map see original, page 200.]

Don Carlos Trudeau, agrimensor gral. de la Provincia de la Luisiana, &a. &a.

Certifico el presente plano copiado de su original, que se halla agregado en el expediente del asunto, y sentado en el libro D No. 4 folo. 120 y en complimiento de lo mandado en el antecedente decreto del señor Intendente general, en fecha diez y ocho del presente mes de Avril. Doy la presente a veinte del mes de Avril de mil ocho cientos yo quatro años.

(Signed) CARLOS TRUDEAU,
Agrmr.

[For Map see original, page 201.]

Don Carlos Trudeau, agrimensor genl. de la Provincia de la Luisiana, &a. &a.

Certifico el presente plano copiado de su original que se halla agregado en los expedientes del asunto, y sentado en el libro D No. 4 folo. 120. Y en cumplemiento de lo mandado en el decreto del señor Intendente general, en fecha diez y ocho del presente mes de Avril, doy la presente a veinte del mes de Avril de mil ocho cientos y quatro años.

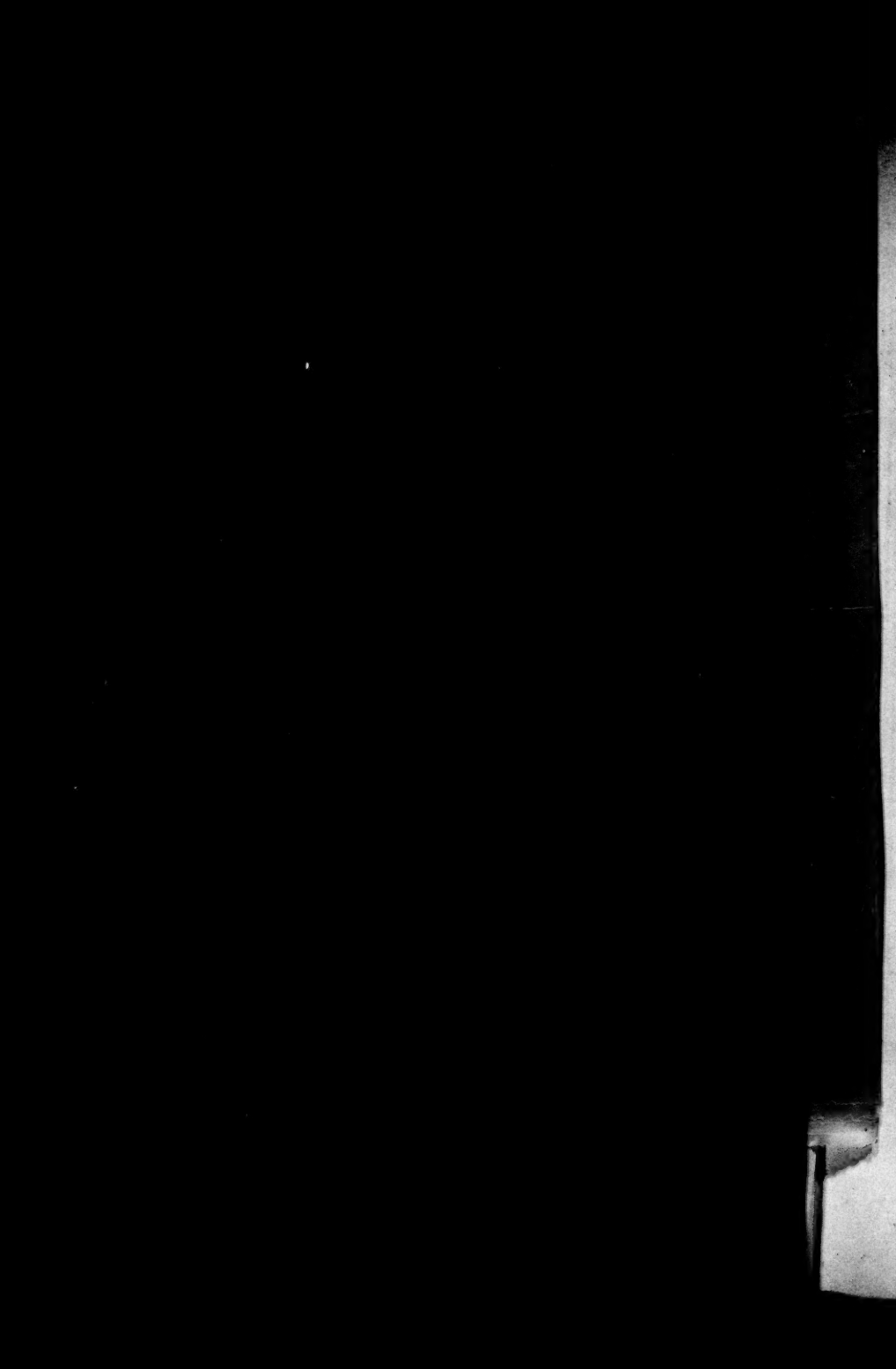
(Signed) CARLOS TRUDEAU,
Agrmr.

[For Map see original, page 202.]

Don Carlos Trudeau, agrimensor genl. de la Provincia de la Luisiana, &a. &a.

Certifico el presente plano copiado de su original que se halla agregado en los expedientes del asunto. Y sentado en el libro D No. 4 folo. 120. Y en complimiento de lo mandado en el decreto del señor Intendente general, en fecha diez y ocho del presente mes de Avril, doy la presente a veinte del mes de Avril de mil ocho cientos y quatro.

(Signed) CARLOS TRUDEAU,
Agrmr.



agregado en el expediente del asunto y sentado en el libro D No. 4 vo. 120 y en virtud del decreto del señor Intendente general en fecha diez y ocho del presente mes de Abril, doy la presente en veinte del mes de Avril de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU,
Agror.

[For Map see original, page 200.]

Don Carlos Trudeau, agrimensor gral. de la Provincia de la Luisiana, &a. &a.

Certifico el presente plano copiado de su original, que se halla agregado en el expediente del asunto, y sentado en el libro D No. 4 folo. 120 y en complimiento de lo mandado en el antecedente decreto del señor Intendente general, en fecha diez y ocho del presente mes de Avril. Doy la presente a veinte del mes de Avril de mil ocho cientos yo quatro años.

(Signed) CARLOS TRUDEAU,
Agrsor.

[For Map see original, page 201.]

Don Carlos Trudeau, agrimensor genl. de la Provincia de la Luisiana, &a. &a.

Certifico el presente plano copiado de su original que se halla agregado en los expedientes del asunto, y sentado en el libro D No. 4 folo. 120. Y en cumplemiento de lo mandado en el decreto del señor Intendente general, en fecha diez y ocho del presente mes de Avril, doy la presente a veinte del mes de Avril de mil ocho cientos y quatro años.

(Signed) CARLOS TRUDEAU,
Agrsor.

[For Map see original, page 202.]

Don Carlos Trudeau, agrimensor genl. de la Provincia de la Luisiana, &a. &a.

Certifico el presente plano copiado de su original que se halla agregado en los expedientes del asunto. Y sentado en el libro D No. 4 folo. 120. Y en complimiento de lo mandado en el decreto del señor Intendente general, en fecha diez y ocho del presente mes de Avril, doy la presente a veinte del mes de Avril de mil ocho cientos y quatro.

(Signed) CARLOS TRUDEAU,
Agrsor.

[For Map see original, page 203.]

Don Vicente Sebastian Pintado Capitan de Cavalleria de Milicias y segundo agrimensor de esta provincia, &a.

Certifico, que fueron medidos y lindados a favor de Don Armando Duplantier, dies mil arpanes planos de tierra, medidos á la percha de Paris de dies y ocho pies lineales de la misma ciudad, contando cien perchas planas por arpan, segun costumbre agraria en esta provincia, y en cinco terrenos ó piezas de tierra diferentes, segun los planos que anteceden cuyas situaciones ylinderos son como sigue.

Plano No. 1.—Seis cientos y treinta arpanes en el Distrito de Baton Rouge, a tres millas del fuerte de dho. puesto al E. S. E. de la aguja, lindando por la parte del Norte con tierras de don Elias Beauregard, por la del sur con dha. de Don Antonio Gras, por la del Este con las concedidas á Juan Bacon, Susana Vangeret, Juan Say y Vesso. Rattiff, y por la del oeste con las de la sucesn. de Don Juan Soile.

Plano No. 2.—Un mil ocho cientos y setenta y tres arpanes en el distrito de la Feliciana, en la margen del Este del brazo del medio del Rio del mismo nombre del Distrito, y a quatro millas y quarto cortas al sur de la linea de limites, entre estos dominios de S. M. y los Estados Unidos de America lindando por la parte del Norte con tierras de Don Manuel Lanzos por la del oeste con el antedo. brazo del Rio Feliciana, y por los demas lados con tierras Realengas.

Plano No. 3.—Tres mil nove cientos setenta y cinco arpanes en un paralelogram rectangulo, situado en el nuevo establecimiento de Santa Helena, pasando por el centro el arroyo de Santa Rosalia vulgaremente llamado *Sandy Creek* y a dies y seis millas y media al sur de la linea de limites entre estos Dominios de S. M. y los Estados Unidos de America, lindando á la Parte del Norte con tierras apeadas á favor de don Manuel Garcia, por la del sur con dhas. de don Gilberto Andry, y otras apeadas a favor de don Juan de Lassize, y por el Este y oeste con tierras aun vacantes.

Plano No. 4.—Dos mil ocho cientos setenta y quatro arpanes en la margen oriental del Arroyo de Sta. Rosalia vulgaremente llamado *Sandy Creek* haziendo frente á el, y a veinte millas y tercio cortas de la anteda. linea de limites, al sur de ella lindando por la parte septentrional con tierras apeadas a favor de don Juan de Lassize, por la meridional y oriental con dhas. apeadas á favor de don Juan Lind, y por la occidental con el antedo. Arroyo de Santa Rosalia.

Plano No. 5.—Seis cientos quarenta y ocho arpanes en la margen occidental del Rio de Santa Helena o *Amit*, a media milla mas arriba de la boca del Arroyo de Sta. Rosalia ó *Sandy Creek*, lindando por la parte, azetica con tierras apeadas a favor de don Juan Lind, por la antazetica y oriental con el dho. Rio *Amit* y por la occidental con tierras apeadas a favor de don Christoval de Armas como todo se demuestra, mas claramente en los cinco planos antecedentes, en los que van figurados cada terreno de por si, en sus

anotados en perchas lineales de paris, sus direcciones especificados segun la bruxala, su declinacion nord este de esta, los arboles y mojones que sirven de linderos, y los demas confines naturales y artificiales. Los anteds. diez mil arpanes planos que el interesado compra de la Real Hacda., fueron mandados a medir y avalnar por auto del Señor Intendente general en fecha tres de Noviembre ultimo y haviendo el Señor Don Carlos de Grand-Pré Coronel de los Rs. Exs. Gobr. de estos establecimientos y subdelegado de la Intendencia Genl. nombrado por peritos estimadores por lo respectivo á la Rl. Hacda. á don Anto. Gras y don V. T. Dalton, y el interesado por su parte, a don Daniel Hcky y don Huberto Rowell, estos con la asistencia de los testigos nombrados Juan Delate y Juan Poiret procedieron al avaluo el que hizieron a razon de diez sueldos por cada arpan plano, lo que visto por el interesado se lo conformo y recivo comprados dichos diez mil arpanes planos, en la forma que va Y de ellos entregado á su voluntad en Baton Rouge a siete dias del mes de marzo de mil ochocientos y quatro años. Firmado, Vicent Sebo. Pintado, Daniel Hicky, Huberto Rowell, Anto. Gras, V. T. Dalton, Armando Duplantier, Luis Delate, Juan Poiret, &a. Don Carlos Trudeau Agrimensor Real y Particular de la Provincia de la Luisiana &a.

Certifico los cinco planos y la relacion que anteceden copias de los originales que se hallan agregados en el expediente del asunto y sentado en la oficina de agrimensura general, al libro D No. 4 folo. y vo. hasta 120 y en complimiento de lo mandado por el decreto del Señor Intendente gral. en fecha diez y ocho del presente mes de abril. Doy copia de dhos. cinco planos copiados de mi mano a veinte del mes de avril de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU,
Agrmor.

Endorsed.—"U. S. Dist. Court, 44, C. Grant to Armand Du-"plantier, Apl. 27, 1804. Off'd in evidence by Plffs., objected to "by Def'ts., and rejected by the Court, Mar. 26, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*

"Filed, June 15, 1846.

"L. E. SIMONDS,
"*Dy. Clk.*"

Translation of the foregoing document C. by Ed. Lauve Translator of U. S. Dist. Court filed November 18th 1846.

I Don Juan Ventura Morales Comptroller for the Army, Intendant and Sup. Intendant pro. temp. of the Province of West Florida, officer entrusted with the adjustment and settlement of the affairs of the royal treasury in Louisiana.

Whereas Don Armando Duplantier by his agent Don [illegible] Francisco Girod, has applied to this tribunal, to purchase at reasonable valuation fifteen thousand superficial arpents of land in the District of Baton Rouge, the amount of which he proposes paying in cash, by certificates of credit from the royal coffers, and it having been decreed on the 26th of the month of October last, that if after deciding on and granting the bequests for commissions of land which had been presented until then, there should remain land not disposed of in the said district of Baton Rouge, bequests or petitions of a similar nature would be received and acted upon. Limiting however the number of arpents to ten thousand and no more. In relation to the above application I ordered that there should be furnished by the secretaryship of this intendancy a certified copy of the official letter addressed by the said intendancy to the commissioner appointed for the transfer of this province, in relation to the application which was made by Don Thomas Urquhart to buy fifty thousand arpents of land in the said district of Baton Rouge and of the answer of said commissioners and that these documents be submitted to the Señor Fiscal (solicitor of the crown) who did state that he had no objections to make to the application of the said Armand Duplantier, on the contrary that he was in favor of it, and recommended to be made out the valuation and survey of the land, and further ordered to be made out a certified copy of the order under which the auditor of war was consulted in relation to the proceedings which did take place in the case of Urquhart and of the opinion which he the auditor of war gave, and this having been done I decided that an order be sent to the governor of Baton Rouge in order to have made out the survey and valuation of this concession of land which is limited at ten thousand arpents. Consequently said survey, measurement and boundaries were established and made out by the surveyor Don Vincente Sebastian Pintado in five parts or distinct portions in different places and within the jurisdiction of Baton Rouge, and the said surveyor did make five figurative plans representing the said ten thousand superficial arpents of land, conceded to Don Armando Duplantier under title of sale the appraisement of which was made at the rate of ten cents per superficial arpent, which appraisement I ordered to be submitted to the Señor Fiscal, (solicitor of the crown) who finding the proceedings in due form advised the approval of said valuation and that the officers of the Royal Treasury be requested to make out the valuation of the amount to be paid by the purchaser for the value of the land and also the duty of half yearly tribute say two and a half pr. cent and the costs of transportation of the said duty, agreeably to what was further expressed by the Señor Fiscal, I ordered that the proceedings should be sent to the surveyor general Don Carlos Trudeau in order that he should examine the operations of survey made by Don Vicente Sebastian Pintado, and if he found them correct to register them and give duplicates to be annexed to this title, this having been done, I approved by an act of the 28d of this month the valuation which was

and ordered that the proceedings should be sent to the offices of the royal treasury to valuate the value of the ten thousand arpents which have been conceded, and on the payment in the royal coffers of said value also the duty of half yearly tribute and the costs of transportation of said duty of which the receipt of payment shall be the evidence a regular title of property be given to the party in interest therefore the valuations were made out and the sum of one thousand and twenty nine dolls. & four bits was paid by Don Raymando Gillanpan in the name of the party in interest Don Armando Duplantier, namely, one thousand dollars for the land at the price of valuation, and the twenty nine dollars and four bits, for the duty of half yearly tribute of two and a half per cent and the costs of transportation of said duty to the kingdom of Spain, as results from the receipt of payment given on the 25th inst. by the officers of the royal treasury. Therefore in virtue of the power delegated unto me and in the name of his majesty, the king (whom may God preserve) I concede under title of sale to Don Armando Duplantier the ten thousand superficial arpents of land situated in the District of Baton Rouge, and in the places which will be hereafter mentioned, where the said ten thousand superficial arpents have been measured surveyed and the boundaries defined. The whole in five distinct portions, a description of which will hereafter be given for a correct knowledge and understanding of the land its situation, boundaries, directions and distances agreeably to the five plans numbered from 1 to 5 which will be annexed to this title for information and other objects which it may be well to understand.

Plan 1. contains six hundred and forty eight superficial arpents situated in the district of Baton Rouge at three miles from the fort of said place and to the E. S. E. by compass, bounded on the north by lands of Don Charles Beauregard. On the south by lands of Don Antonio Gras. On the east by the lands conceded to Juan Baron, Susan Beauregard, Juan Say and Lesse Rattif—and on the west by lands belonging to the estate of Don Juan Joyse.

Plan No. 2. contains one thousand eight hundred and seventy three arpents in the District of Feliciana on the east bank of the middle branch of the river of the name of said district at four miles and one fourth to the south of the boundary line between the domains of his Catholic Majesty ande United States of America, bounded on the north by lands of Don Manuel de Lanzos on the west by said branch of the River Feliciana and on the other sides by lands of the domain of his Majesty.

Plan No. 3. contains three thousand nine hundred & seventy five arpents in a rectangular parallelogram, situated in the new establishment of Saint Helena, the Rivulet Saint Rosalie commonly called Sandy Creek passing or running in the centre of the tract, which is at sixteen miles and a half to the south of the boundary line previously mentioned. Bounded on the north by lands surveyed for Don Manuel Garcia, on the south by lands of Don Gilberto Andry

and others surveyed for Don Juan de Lasize and on the east and west by vacant lands.

Plan No .4 contains two thousand eight hundred and seventy four arpents of land, on the east bank of the Rivulet Saint Rosalie or Sandy Creek, fronting said rivulet and at twenty miles and a third from the above mentioned boundary line, and south of said line, these 2874 arpents are bounded on the north by lands surveyed for Don Juan de Lasize, on the south and east by lands surveyed for Don Juan Lind, and on the west by the said Rivulet of Saint Rosalie.

Plan No. 5. contains six hundred and forty eight arpents situated on the west bank of the River St. Helena or Amite, at half a mile above the mouth of the Rivulet Saint Rosalie or Sandy Creek, bounded on the north by lands surveyed for Don Juan Lind, on the south and east by said River Amite, and on the west by lands surveyed in favor of Don Christoval de Armas. All which is clearly demonstrated in the five figurative plans containing said ten thousand superficial arpents above mentioned an to which I refer. I impart to the said Don Armando Duplantier entire and direct sovereignty over said 10,000 superficial arpents of land, that as his property, he may hold, cultivate and dispose of them whenever he may think proper. He having bought said land from the Royal Treasury and paid for it, and I authorize him to take possession of it, which possession I now give and place him in, without prejudice to any third party who might have a better right, under the condition of observing and complying with the provisions of the laws relative to lands, enacted and published by this intendancy on the 17th day of July 1799 of which I give him notice for his information, and in order that he may not hereafter allege ignorance of said laws. In faith whereof I have ordered to be delivered these presents, signed with my hand, sealed with the seal of my arms and countersigned by the undersigned Notary of the Royal Treasury who will (as well as the department of the treasury) register this title. Given in New Orleans, on the 27th day of April eighteen hundred and four.

(Signed) JUAN VENTURA MORALES.

By order of his Excellency the Intendant
CARLOS XIMENES.

The following title has been registered in the book for titles of a similar nature at folio 70 to 73.

(Signed) CARLOS XIMENES.

At the Department of the Royal Treasury under our charge, the foregoing title has been registered in the book for titles of a similar nature.

(Signed) MANUEL ARMIREZ,
GILBERT LEONARD.

New Orleans, 30 *April* 1804.

Translation of Certificate under Plan No. 1., for which, see page 199 hereof.

I Don Carlos Trudeau, Surveyor General of the Province of Louisiana, do certify, that the foregoing plan is a copy from the original, which is annexed to the proceedings of the subject matter and which is registered in Book D No. 4 folio 120. In virtue of the Decree of his Excellency the Intendant General, under date of 18th of this month of April, I give these presents on the 20th of the month of April 1804.

CARLOS TRUDEAU,
Surveyor General.

Under Plan No. 2; for which see page 200 hereof.

I, Don Carlos Trudeau, Surveyor General of the Province of Louisiana, &c. do certify that the foregoing plan has been copied from the original which is annexed to the proceedings of the subject matter, and which is registered in Book D No. 4 folio 120. In virtue of the Decree of his Excellency the Intendant General, under date of the 18th of this month of April, I give these presents on the 20th of the month of April 1804.

(Signed) CARLOS TRUDEAU.

Under Plan No. 3; for which see page 201 hereof.

I, Don Carlos Trudeau, Surveyor General of the Province of Louisiana, &c. do certify that the foregoing plan is a copy from the original which is annexed to the proceedings of the subject matter, and which is registered in Book D No. 4 folio 120. In virtue of the Decree of his Excellency the Intendant General under date of the 18th of this month, I give these presents, on the 20 of the month of April 1804.

(Signed) CARLOS TRUDEAU.

Under Plan No. 4; for which see page 202 hereof.

I Don Carlos Trudeau, Surveyor General of the Province of Louisiana do certify the foregoing plan to be a copy from the original, which is annexed to the proceedings of the subject matter, and which is registered in Book D No. 4 folio 120, and in virtue of the Decree of his Excellency the Intendant General, under date of 18th of this month of April, I give these presents on the 20 of April 1804.

CARLOS TRUDEAU,
Surveyor General.

Under Plan No. 5; for which see page 203 hereof.

I Don Vicente Sebastian Pintado, Captain of Cavalry of militias and deputy surveyor of this province &c. do certify that there has

been measured and the boundaries established and marked in favor of Don Armando Duplantier. Ten thousand superficial arpents of land (by measurement of the perch of Paris of 18 lineal feet of said city and counting 100 superficial perches to the arpent, agreeably to the agrarian custom of this province) which 10,000 superficial arpents are in five different tracts or portions as represented in the plans which precede, the boundaries, situation, and directions of which are as follows. Plan No. 1, contains six hundred and thirty arpents in the district of Baton Rouge at three miles from the fort of said place to the east south east by compass bounded on the north by lands of Don Eliza Beauregard on the south by lands of Don Antonio Gras; on the east by lands conceded to Don Juan Bacon, Susana Beauregard Juan Say and J. Rattiff, and on the west by lands belonging to Juan Loyse. Plan No. 2 contains eighteen hundred and seventy-three arpents in the District of Feliciana, on the east bank of the middle branch of the river of the name of said district at four miles and one-fourth south of the boundary line between the domain of his majesty and the United States of America, bounded on the north by lands of Don Manuel de Lanzos, on the west by said branch of the river feliciana, and on the other sides by royal lands. Plan No. 3 contains three thousand nine hundred and seventy-five arpents in a rectangular parallelogram situated in the new establishment of St. Helena, the rivulet St. Rosalie commonly called Sandy Creek passing or running in the centre, at sixteen miles and a half south of the boundary line between the domain of his Majesty and the United States of America bounded on the north by lands surveyed for Don Manuel Garcia on the south by lands of Don Gilberto Andry, and for Don Juan de Lassize, and on the east and west by vacant lands. Plan No. 4 contain two thousand eight hundred and seventy-four arpents on the east bank of the arroyo (rivulet) St. Rosalie commonly called Sandy Creek fronting said rivulet of twenty miles and one-third from the above mentioned boundary line and to the south of it, bounded on the north by lands surveyed for Don Juan de Lassize, on the south and east by lands surveyed for Don Juan Lind and on the west by the said rivulet of St. Rosalie. Plan No. 5 contains six hundred and forty-eight arpents on the west bank of the river St. Helena or Amite, at half a mile above the mouth of the rivulet St. Rosalie or Sandy Creek, bounded on the north by lands surveyed for Don Juan Lind, on the south and on the east by said river Amite, and on the west by lands surveyed for Don Christoval de Armas, all which is clearly demonstrated in the five foregoing plans in which each tract is represented separately the dimensions of each marked in lineal perches of Paris, the directions noted by the compass the variation or declination of which is north east, also the trees and land marks which serve of boundaries and other natural and artificial limits. The said ten thousand superficial arpents were bought from the Royal Treasury by the party in interest and measured and appraised in virtue of a

Survey from his Excellency the Intendant General dated 3d of November last and Don Carlos de Grand-Pré Colonel of the Royal Armies, Governor of these Posts, and sub-delegate of the General Intendancy having appointed as appraisers on behalf of the Royal Treasury, Don Antonio Gras, and Don Valentine Thomas Dalton and the party in interest having appointed on his part Don Philip Hicky and Don Huberto Rowell said persons assisted by Louis Delate & Juan Poiret as witnesses agreed on the value of ten cents per superficial arpents which valuation having been submitted to the party in interest was approved by him, receiving said 10,000 superficial arpent of land as purchased & acknowledging the delivery thereof to his satisfaction. In Baton Rouge on the seventh day of the month of March eighteen hundred and four, signed Vincente Sebo. Pintado, D. Hicky, Huberto Powell, Antonio Gras, V. T. Dalton. Armand Duplantier, Louis Delate, Juan Poiret.

I, Don Carlos Trudeau, Royal and Special Surveyor of the Province of Louisiana &c. do certify that the foregoing five plans and explanations are copies from the originals which are annexed to the proceedings of the subject matter and which are registered in the Office of General Surveys in Book D. No. 4 folio 120 and in virtue of the decree of his Excellency the Intendant General, of the 18th of this month, I have given said copies which have been made by me.

CARLOS TRUDEAU.

Nota Bene.—On consideration of the objections urged against the admissibility of the said documents L and C, (pages 188–217) the court rejected them.

Attest: ROBR. M. LUSHER,
Dy. Clerk.

And further, at the same Term, to wit: on Tuesday the 27th day of March A. D. 1849 was entered of record the following

Resumption and Continuance.

JOSEPHINE J. DUPLANTIER } 44
vs.
THE UNITED STATES. }

The hearing of this cause was to-day resumed A. N. Ogden, Esq. appearing for the Plaintiff, and the United States District Attorney for the Defendants.

Further evidence was adduced on behalf of the Plaintiff, and with leave to her counsel to file additional evidence necessary to the support of her claims, the case was then continued.

For additional evidence offered, see pages 219–259 herein.

And be it remembered that the evidence this day offered and

allowed to be filed, on behalf of the plaintiff, is the following to wit:

III. *As Evidence in Support of Jorda Claim* (8000 *arps.*).

First: Document entitled "Concesion de 40,000 arpanes de tierra planos hecha a titulo de venta al Capn. Dn. Jayme Jorda, en la Poblacion de Sta. Helena Distrito de Baton Rouge" and endorsed

"*Louisiana.*

"Recorded in the Office of the Clerk to the Commissioners of Land Claims west of Pearl River and east of the Mississippi in lib. F. No. 1, fol. 376.

"CHARLES S. COSBY,
"*Clk.*"

Which document is in the words and figures following, to wit:

Dn. Juan Ventura Morales Contador de Exercito, Intendente y superintendente interino de la provincia de la Florida occidental, Ministro encargado para el arreglo, y conclusion de los asuntos de Rl. Hacienda, en esta de la Luisiana.

Por quanto, habiendose presentado en este tribunal el capitan de la infanteria de milicias Dn. Jayme Jorda, proponiendo comprar á la Rl. Hacienda quarenta mil arpanes de tierra planos de los vacantes, y realengas, en el distrito de Baton Rouge, cuyo importe á justa tazacion satisfaria de contado en certificaciones de credito despachadas por este ministerio de Rl. Hacienda mandé, para motivar el expediente, que por secretaria, se pusiese copia certificada del oficio dirigido por esta. Intendencia, á los sres comisarios de la entrega de esta provincia, de resultas de la solicitud de comprar cinquenta mil arpanes, que hiso Dn. Thomas Urquhart, y de la respuesta que hisieron, y que se diese vista al Señor Fiscal; que evaquadas estos pasos, y no resultand contradicion á la solicitud, de la respuesta dada por el citado Sr. Fiscal, que opino favorable, pidiendo se pasase orden al Sor. Coronel Dn. Carlos de Grand-Pré, Gobernador, y subdelegado de Rl. Hacienda en Baton Rouge, para que nombrase dos expertos que en calidad de estimadores con otros dos que señalase el comprador y con dos testigos de asistencia, se prosediese al justiprecio, apeo, y deslinde de las quarenta mil arpanes de tierra, y que remitiese las diligencias para lo demas propuesto: que en seguida mande poner testimonio del decreto con que se pasó á la consulta del Señor de Grra. el expediente promovido por el indicado Urquhart sobre igual solicitud y del dictamen que extendio en consequencia, y verificado proveyando, mandando librar despacho al enunciado Señor Gobernador, y subdelegado, como propuso el Señor Fiscal, y para los efectos que determino, como efectivamente se verifico; que en virtud del se dio curso á las diligencias, y desde luego se midieron, deslindaron, apearon, y amojonaron los quarenta mil arpanes de

1812.

tierra planos, solicitados por el referido Capn. Dn. Jayme Jorda, en un cuerpo todos, y en el nuevo establecimiento de Santa Helena distrito de Baton Rouge, y parage que se nominara con exprecion de linderos, rumbos, y distancias para le inteligencia: los quales quarenta mil arpanes de tierra, que son planos se tazaron en quarenta mil reales de plata, á razon de un real cada uno, de que mandé dar vista al Sor. Fiscal: y conformandose con la estimacion hecha, y en consequencia, pase el expediente al agrimensor gral. Dn. Carlos Trudeau para que examinase las operaciones del particular Dn. Vicente Pintado, y que hablandolas conformes tomase razon, y proveyese del plano doble para acompañar con el titulo; que verificadas estas formalidades, mande que el citado expediente pasase á los sres. ministros de Rl. Haca. para que se evacuase lo pedido por el Sr. Fiscal, que fue el que se ajustase el valor de los mencionados quarenta mil arpanes de tierra planos, para que previo el entero en Arcas Rs. se proveyese al interisado del titulo en forma: que verificado la liquidacion entero en Arcas reales el enunciado Capn. Dn. Jayme Jorda, quarent y un mil, ciento, ochenta reales de plata: los quarenta mil, por el importe de los quarenta mil arpanes de tierra planos al respecto de un real cada uno, y los mil ciento, y ochenta, restantes, por el derecho de la media Annata, y diez y ocho por ciento de su conduccion á España, segun se acredita de la carta de pago despachada por el Ministerio de Rl. Hacienda, con fecha treinta y uno de Diciembre del año proximo pasado á que me remito en cuya virtud, y constando de la medida y plano dado por el agrimensor gral. Dn. Carlos Trudeau, distinguido con el N. 1650, que se mira á este titulo para la constancia é inteligencia de lo que se expresará; que dichos quarenta mil arpanes de tierra estan situados en el nuevo establecimiento de Santa Helena, jurisdiccion de Baton Rouge, lindando al este con el paralelo de los treinta y un grados de latitud norte, limite divisorio entre los dominos de S. M. C. y los de los Estados Unidos de America; por cuya parte se extiende desde el poste, ó piramide marcado en dicho limite con el N. 30, y corriendo acia el este, hasta la que se halla marcado con el N. 43 que denota millas inglesas medidas en dicha linea; y desde el citado punto de 30 millas, una linea meridional, corriendo al sur, ocho grados, y treinta minutos este, la distancia de un mil, ciento noventa y dos perchas lineales de Paris; desde cuyo terminos corre una paralela á la anterior linea con direccion del norte, 81 grados 30 minutos este hasta la orilla del oeste del Rio Amit y Santa Helena, cuyo rio sirve de lindero natural á estos 40,000 arpanes de tierra por la parte antratica, y por la del occidente con tierras vacantes, y realengas.

Por tanto, y usando de las facultades que me estan cometidas, en nombre de S. M. (Dios le gue.) concedo al referido Capn. Dn. Jayme Jorda, a titulo de venta los quarenta mil arpanes de tierra planos que ha solicitado, y se han medido, apeado, y mapeado en el parage, vaxo los linderos, rumbos y distancias que se han relacionado y se expresan en el plano de que se ha hecho mencion: y en consequencia

le imparto de ellos intero; y directo dominio, para que como suyos proprios, y como tierra comprada, y pagada á la Rl. Hacienda los posea, cultivo y disponga de ellos á su voluntad: y lo doy poder para que aprehenda su posecion, y en la que le pongo y amparo sin perjuicio de tercero que mejor derecho tenga: vaxo la condicion de que ha de cumplir con lo que le comprehenda en la instruction formada y publicada por esta intendencia en 17 de Julio de 1799, de que se le advierte para no alegan ignorancia. En fe de lo qual, mandé librar el presente, firmado de mi mano, sellado con el de mis armas, y refrendado del infrascripto escribano de Rl. Hacienda, quien, como la contaduria pral. tomará la razon. Dado en la Na. Orleans á dos de Enero de mil ochocientos quatro.

[SEAL] (Signed) JUAN VENTURA MORALES.

Por mdo. del Sor. Intendte.
CARLOS XIMENES.

Por la contaduria pral. del Minist. de Real Hacienda de nuestro cargo, se tomó razon del titulo antecedente y se noto al folio 89— del libro destinado á esta fin. Nueva Orleans 4 de Febrero de 1804.—

(Signed) GILBERTO LÉONARD.
" MANUEL ARMIREZ.

Queda tomado razon del titulo antecedente, desde 50 hasta la 51 del Libro que esta a mi cargo destinado á el efecto para las de esta Clace.

(Signed) CARLOS XIMENES.

[For Map, see original, page 225.]

Don Vicente Sebasto. Pintado Capitan de Cavaleria de milicias y segundo agrimensor de esta Provincia &a.

Certifico aver dado posesion a don Jayme Jorda, por medio de su apoderado, en este Puesto; que es don Armand Duplantier y con asistancia de los testigos Don Anto. Gras y Don Thoms. Valentin Dalton, de un terreno de quarenta mil arpanes planos medidos á la percha de Paris, de diez y ocho pies de la misma ciudad, constando cien perchas planas por arpan; segun costumbre agraria en esta Provincia los que compra de la Real Hacienda el antedo. Dn. Jayme Jorda, y fueron mandados a medir y estimar, por despacho del Señor Intendente général de esta Provincia con fecha tres de *Septiembre ultimo*, cometido al Señor Don Carlos de Grand-Pré coronel de los Reales Extos. y gobernador de estos establecimientos, y subdelegado de la intendencia général por cuyo señor me fué notificado el antedo. despacho y su contenido, el dho. terreno esta situado en el nuevo establecimiento de Santa Helena jurisdiccion de Baton Rouge, y mediado ó lindado, á la parte aretila con el paralelo de los treinta

y uno grados de latitud Norte limite divisoria entre estos dominios de S. M. (que dios gue.) y los de los Estados Unidos de la America, por cuyo parte se extiende desde el poste ó piramide que se halla marcado en dho. limite con el numero treinta y corriendo azia el este, hasta la que se halla marcado con el numero quarenta y tres, cuyo numero denota millas Inglesas medidas en dha., y desde dicho punto de treinta millas, una lineal meridional corriendo al sur ocho grados y treinta minutas este, de la Bruxula, la distancia de un mil ciento noventa y dos perchas, lineales de Paris; de cuyo termo. corre una paralela la anteda. linea de limite, con direccion del Norte ochenta y uno grados treinta minutas este de la Bruxula, hasta la orilla del oeste del Rio Amit é Santa Helena, cuyo rio sirve de lindero ó confin natural á dho. terreno, por la parte antrastica y por la del occidante con tierras aun vacantes; como todo se demuestra mas ampliamente, en el plano que antecede, dado para la inteligencia, los dhos. quarenta mil arpanes fueron evaluados, por Don Pedro Allin y Don Felix Bernard Dumantier, estimadores nombrados de oficio, y Don Felipe Heky y Don Bernardo Dubrocar, nombrados por el apoderado de la parte interesada, y de unanime acuerdo de los cuatro estimadores los tazaron en la suma de quarenta mil Reales de plata fuerte, ó a razon de un Real de plata fuerte cada arpan, por ser dho. terreno de calidad inferior, a las que han sido ya medidas y estimados a mayor precio, para los dos primeros pretendientes. Y hallandose presente el antedo. Don Armand Duplantier apoderado del interesado Don Jayme Jorda, se conformo, y recivo desde luego, como recive dho. terreno y de el se ha, por entregado á su voluntad, en cuyo testimonio, lo firmo con dhos. estimadores y testigos en Baton Rouge, a veinte y siete dias del mes de Octubre de mil ocho cientos y tres años, firmado. Armand Duplantier, Vicente Sebastiano Pintado, Felix Bernardo Dumontier, Pedro Allin, Felipe Heky, Bernardo Dubrocar, Antonio Gras, y Valentin Thomas Dalton, y mas abaxo. En la oficina de agrimensura general se tomo razon del antecedente plano y relacion sintado en libro D No. 4 folo. 7 Vo. 66 al No. 1650 de las expedte. de apeo—firmado yo el presente agrimr. Rl.

Don Carlos Trudeau agrimensor Real y particular de la provincia de la Luisiana certifico las presentes copias conforme á los originales, que se hallan agregados en los expedientes del asunto. Doy la presente en virtud del decreto del Señor intendente general, en fecha quatorze del presente mes; Noviembre veinte y uno, de mil ocho cientos y tres años.

(Signed) CHARLES TRUDEAU,
Agr. Rl.

Eastern District of Louisiana: to wit:

I, the undersigned, Dy. Clerk of the U. S. District Court for said district, do hereby certify that the foregoing *concession, etc.* closing on the reverse hereof is a true, faithful and correct copy of the

original (belonging to the "Citizens" Bank of this city) produced in court and exhibited in evidence, on the 19th April 1849, on the trial of the cause of

Josephine Duplantier *versus* the United States, No. 44 of the Docket of Land Causes, in the record of which cause I do now file this copy by order of Court *pro* said date—19 April, 1849.

Witness my hand and the seal of said Court, at N. O. this 6th day of June, A. D. 1849.

[SEAL.] (Signed) ROBR. M. LUSHER,
Deputy Clerk.

Second.—The Plaintiff offered Document D, being an original plan and certificate of Don Carlos Trudeau, endorsed thus:

"*Louisiana*

Recorded in the office of the Clerk to the commissioner of Land claims west of Pearl River and east of the Mississippi in Lib: No. 4 Fol. 355 &

CHARLES S. COSBY,
Clerk."

Which document is in the words and figures following, to wit:

[For map see original, page 230.]

Don Carlos Trudeau, agrimensor Real y Particular de la Provincia de la Luisiana, &a. &a.

Certifico, el presente plano contener tres mil arpanes Planos, medida de la Ciudad de Paris costumbre agraria en esta provincia cuyo terreno situado en el Distrito de la Feliciana a treinta millas al este del Rio Mississippy y a quinientas noventa y seis perchas, de la linea divisoria entre el territorio de los Estados Unidos de America, y los Dominios de S. M. lindado á la parte del Este con tierras de don Jaime Jorda, al sur con dha. de Don Jh. Reynes al oeste con las de don Manuel de Lanzos, y al Norte con los tres mil arpanes que formo el complemento de los seis mil arpanes, que compra don Joseph Maria de la Barba, de don Jaime Jorda, la figura del terreno es un paralelogramo rectangulo, cuyo lados mayores son de quinientas noventa y seis perchas lineales dirigidos Norte ocho grados treinta minutas oeste y sur ocho grados treinta minutas Este de la aguja los lados menores son de quinientas tres perchas con un tercio, dirigidos Norte ochenta y uno grados treinta minutas este de la misma aguja, sin attender á la variacion, declinando esta de ocho grados treinta minutas al N.E. el todo como se demuestra en el plano que antecede, dichos tres mil arpanes, haziendo parte de los quarenta mil arpanes concedidos a Titulo de compra, a favor de don Jayme Jorda, y a fin que la escritura de venta se pase ante el Exo.

[illegible] a favor de don Joseph Maria de la Barba, doy la presente a dos del mes de mayo de mil ocho cientos y cinco años.

(Signed) CARLOS TRUDEAU,
Agral.

Endorsed.—"U. S. Dist. Court, No. 44, D. Jorda claim. Survey 3000 arpents. Off'd in evidence by plaintiff March 27, 1849.
ROBR. M. LUSHER,
Dy. Clerk."

"Filed, June 15, 1846.
L. E. SIMONDS,
Dy. Clerk."

Translation of the foregoing document D. by Edward Lauve.

The plan annexed to the original, has been already copied on page 230 of this transcript.

I Don Carlos Trudeau Royal and Special Surveyor of the Province of Louisiana p. p. hereby certify that the foregoing plan contains three thousand arpents by measurement of the city of Paris, agreeably to the agrarian custom of this province and that said tract of land is situated in the district of Feliciana at thirty miles east of the river Mississippi & at five hundred & ninety-six perches from the boundary line between the territory of the United States of America & the domains of his majesty, bounded on the east by lands of Don Jayme Jorda, on the south by lands of Don José Reynes, on the west by lands of Don Manuel de Lanzos, & on the north by the three thousand arpents which complete the six thousand arpents which Don José Maria de la Barba did buy from Don Jayme Jorda. The form of the tract is a rectangular parallelogram, the longest sides of which are of five hundred and ninety-six lineal perches running north eight degrees thirty minutes west, and south eight degrees thirty minutes east, by compass. The short sides are of five hundred perches & a third running north eighty-one degrees thirty minutes east by the compass without regard to its variation which is eight degrees thirty minutes to the N. E. all which appears in the foregoing plan—the said three thousand arpents are part of the forty thousand arpents which have been conceded under title of sale to Don Jayme Jorda, and in order that the act of sale may be made out by a notary public to Don Jos. Maria de la Barba, I give these presents on the second day of the month of May, eighteen hundred & five.

(Signed) CARLOS TRUDEAU,
Roy. Surveyor.

Book 6, folio 30.

Third—The plaintiff offered document D.(²), being a receipt and

certificate of Pedro Marin as to sale of 3000 arpents; in the words and figures following, to wit:—

Recibi de Mr. Duplantier ochocientos pesos a cuenta del valor de unas tierras que le he vendido en el distrito de Baton Rouge. Nueva Orléans Agosto 4, de 1807.

800 ps. (Signed) P. MARIN.

Declaro yo abajo firmado que de quarenta mil arpanes planos de tierras que Dn. Jayme Jorda compró al Gobierno Español en el establecimiento de Sta. Helena jurisdiccion de Baton Rouge pertenecian a Dn. Joseph de la Barba seis mil arpanes de mitad conmigo (como lo certifica dicho Señor Jorda con su firma como sabedor de ello) y de que a Barba y a mi nos dio los respectivos planos el Agrimensor general Dn. Carlos Lavaux Trudeau, en consequencia del que le envió Dn. Vicente Pintado Agrimensor subalterno, fecha en Baton Rouge a 27 de Octubre de mil ochocientos tres.

Declaro igualmente que los tres mil arpanes de mi pertenencia, vendi a Mr. Duplantier, tiempo hace, por el precio que convenimos, entregandome su importe, y yo le di el plano de ellos, con lo que quedó dueño de dichos tres mil arpanes planos de tierras, para disponer a su voluntad; y para que lo haga constar donde le convenga le doy la presente en la Nueva Orléans a veinte y tres de Sepre. de mil ochocientos catorce.

(Signed) P. MARIN,
JAYME JORDA.

Endorsed.—"U. S. Dist. Court, 44, Jorda claim, D^{o}. off'd in "evidence by plaintiff & filed, Mar. 27, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Fourth—The plaintiff offered document endorsed: "Sale by attorney in fact of Armand Duplantier to Philip Hickey and latter's declaration," in the words and figures following, to wit:—

STATE OF LOUISIANA,
Parish of East Baton Rouge:

Before me Charles Tessier Notary Public in and for the Parish of East Baton Rouge, came and appeared Philip Hickey Esq. of this parish, who declares for public notoriety to whom it may appertain, that on the 26th of November 1813 by act passed before the late Andrew Steele then parish judge of this parish he purchased of Fergus Duplantier, Attorney in fact of Armand Duplantier 6640 arpents of land in four tracts, designated in the said act of sale, whereof a true copy is hereby presented or exhibited to *to* said Hickey who acknowledges the same, that subsequently to the said sale, the appeared transferred and sold to the said Fergus Duplantier

all his right and claim to said tracts of land, which last sale and transfer, he does not recollect before whom it was passed or executed, nor does he recollect the date thereof. He moreover declares to have no right or claim to said land or tracts of land which were sold with no other warranty than those he acquired by the sale made to him as aforesaid.

At the same time appeared Manuel Moreno Esq. before the said Notary who declares that he recollects perfectly well to have seen the act passed by said Hickey to Fergus Duplantier of the same land, at the time that the said Fergus Duplantier was litigating before the court with Carolina Vidal: which act was in the hands of Abner N. Ogden Esq. which was not filed by me as deputy clerk, because it was not needed.

This done and passed at Baton Rouge this 29th of January 1849 the appearers signed their names, with me the Notary and in presence of John Caldwell and William B. Wood, witnesses, after reading the whole; he purchased, interlined, approved before signing the copy of the sale, is signed. Nevarietur by me to identify the same.

(Signed) PHILIP HICKEY,
MANUEL MORENO.

(Signed) JOHN CALDWELL.
W. B. WOOD.

CHAS. TESSIER,
Not. Pub.

STATE OF LOUISIANA,
Parish of East Baton Rouge:

On this twenty sixth day of November in the year of our Lord one thousand eight hundred and thirteen, before me Andrew Steele parish judge performing the duties of notary public of the said parish, personally came and appeared Mr. Fergus Duplantier of the parish of Orleans, as attorney in fact of Mr. Armand Duplantier of the said parish of Orleans, which said appearer declares that by virtue of a general power given by the said Armand Duplantier by act passed before Narcissus Brontin Esqre. notary public of the city of New Orleans bearing date the ninth day of May 1811. He has granted, bargained, & sold, and by these presents doth grant, bargain, sell and convey to Mr. Philip Hickey of this parish of East Baton Rouge the several tracts of land hereinafter mentioned and described being the property of the said Armand Duplantier situated in the said parish of East Baton Rouge, viz: three thousand arpents on the River Comit & within the present limits of the parish of Feliciana bounded to the east by lands of James Jorda, to the south by lands of Joseph Reynes, to the west by lands of Manuel de Lanzos & to the north by lands of Joseph Maria de la Barba, being a part of a tract of six thousand arpents formerly belonging to the said Joseph Maria de la Barba as exhibited by the plan of

survey made by Charles Trudeau bearing date the second day of May one thousand eight hundred and five; also one other tract of three thousand arpents adjoining, and to the north of the said first described tract, being the other portion of the said six thousand arpents surveyed and bounded by the said Charles Trudeau for Joseph Maria de la Barba also one other tract of two hundred & fifty arpents in superficy, situated about four miles to the eastward of Baton Rouge bounded on one side by lands of the succession of Elias Beauregard, and on the other side by lands of Suzanne Vaucherez which the said Armand Duplantier purchased from John Baron on the 12th day of January 1804—also one other tract of three hundred and ninety arpents adjoining to the last mentioned tract & to the south of the same being the tract granted to Suzanne Vaucherez, and purchased by the said Armand *Armand* Duplantier from André Gil on the first day of March 1805. To have and to hold to him the said Philip Hickey his heirs and assigns forever all the right title and interest of the said Armand Duplantier in and to the said several tracts of land with the appurtenances thereunto belonging. The said appearer expressly declaring that he does not engage in behalf of his said constituent to warrant to the said purchaser the property and possession of the said several tracts of land or either of them against the lawful claim or claims of any other person or persons, except the said Armand Duplantier his heirs and assigns and all and every person claiming or pretending to claim, by through or under him—the present sale and conveyance is made for and in consideration of the sum of ten thousand dollars in hand paid, which the said Fergus Duplantier acknowledges to have received in full payment for the said several tracts of land, and he gives by these presents to the said Philip Hickey a full and entire discharge for the same, renouncing the exception of non numerata pecunia and all other laws in his favor. And the said Philip Hickey here also present accepts the sale and conveyance of aforesaid in his favor, in testimony whereof the said parties have hereunto with me and in presence of John Caldwell and Charles Duval—witnesses subscribed their names the day and year first above written—F. Duplantier, Philip Hickey, Test. John Calnmack, Charles Duval, and Steele. I Andrew Steele parish judge in and for the parish of East Baton Rouge, do hereby certify the foregoing to be a true copy of the original on my Notarial Records.

In testimony whereof I have hereunto set my hand and seal of office this seventh day of Octobre one thousand eight hundred and fourteen.

(Signed) AND. STEELE.
CHS. TESSIER,
Not. Pub.

Nevarietur, Jany. 29, 1849.

Louisiana.

Recorded in the Office of the Clerk to the Commissioner of Land Claims west of Pearl River and east of the Mississippi in lib. C. No. 4, fol. 357 L.

(Signed) CHARLES S. COSBY,
Clk.

Endorsed:

"U. S. Dist. Court. 44. Jorda Claim. Off'd in evidence by Plaintiff and filed Mar. 27, 1849.

"ROBR. M. LUSHER.
"*Dy. Clk.*"

Fifth—The Plaintiff offered—

Deposition of A. Cruzat as to signature of P. Marin to Document D 2°; which deposition reads as follows, to wit:

JOSEPHINE DUPLANTIER
vs. } 44
THE UNITED STATES.

Testimony taken in open court March 27th 1849.

Antoine Cruzat, Esq. being sworn, deposes that he is well acquainted with the signature of Pedro Marin and recognizes the two signatures of said Marin to Doc. D 2° filed herein as genuine—the one signed P. Marin and the other Po. Marin; witness cannot account for the difference of form in the respective flourishes attached to said signatures.

The Dist. Attorney being present, propounds no cross-questions.

(Signed) A. CRUZAT.

Attest: ROBR. M. LUSHER,
Dep. Clk. U. S. Dist. Court.

Sixth—The Plaintiff offered—

Deposition of B. Marigny as to signatures to original concession to Jayme Jorda, &c. which reads as follows, viz:

U. S. DIST. COURT,
Eastern District of Louisiana:

JOSEPHINE DUPLANTIER
vs. } 44
THE UNITED STATES.

Clerk's Office New Orleans Thursday April 19th 1849.

Before me the undersigned Dep. Commissioner in Land Causes this day appeared the Plaintiff by her counsel A. N. Ogden, Esq.

and the Defendants by Thos. J. Durant, Esq. their attorney; when by consent of said parties I proceeded to take down in writing, as follows, the testimony of Bernard Marigny, Esq. a witness introduced for and on behalf of said plaintiff, his testimony being given in the French language and by me translated faithfully as hereinafter.

Bernard Marigny, Esq. for the plaintiff, being shewn a certain document brought in from the Citizens' Bank of Louisiana, and specially that portion thereof marked No. 2, and entitled "*Concession de* 4000 *arpanes de tierra planos hecha a titulo de venta al Capn. Dn. Jayme Jorda, en la Poblacion de Sta. Helena distrito de Baton Rouge,*" deposes that he recognizes thereto as genuine the respective signatures of *Juan Ventura Morales, Carlos Ximenes, Gilberto Léonard Manuel Armirez* and *Carlos Ximenes.* Witness also recognizes said concession as the same to which he testified in this court in the case of the "Citizens' Bank of La. *vs.* The United States" No. 86 of the docket; witness himself having, in favor of said Bank, renounced all his right to 24,000 arpents of said tract.

On being shewn "Document D—Jorda claim—Survey—3000 arpents" on file in this cause, witness recognizes thereto, as genuine the signature of Charles Trudeau, with which he is well acquainted.

Further on being shewn D 2°, "Receipt and certificate of Pedro Marin, as to sale of 3000 arpents," witness deposes that the signature thereto of *Jayme Jorda* is genuine. He is well acquainted with said signature.

On being shewn Document E, "Title to 400 arpents from Thos. Williams," witness recognizes thereto as genuine the signature of Juan Ventura Morales (Morales was witness' father-in-law) *Carlos Ximenes, Gilberto Leonard, Manuel Armirez,* and *Carlos Ximenes.*

The District Attorney of the United States being present has no cross-questions to propound to the witness.

(Signed) BERNARD MARIGNY.

I, Robr. M. Lusher Deputy Commissioner in Land Causes, do hereby certify that the foregoing is the true and exact deposition of Bernard Marigny, Esq. who himself read over the same as written down and after oath administered by me, signed it in my presence and that of the respective attorneys already attested to have been present.

Witness my hand and seal this 19th April, A. D. 1849.

[SEAL.] (Signed) ROBR. M. LUSHER,
Deputy Commissioner in Land Causes.

Nota. The six foregoing pieces of evidence were all admitted by the court.

Attest: ROBR. M. LUSHER,
Dy. Clerk.

IV. The Plaintiff offered—As evidence in support of Williams' Claim (400 arps.)

Document E, entitled "Titulo de 400 arpanes de tierra planos concedidos graciosamte. á Tomas Williams en la Feliciana;"

Which document is in the words and figures following, to wit:

Don Juan Ventura Morales, contador pral. de exercitos, Intendente, y super intendente interino de la Provincia de la Florida Occidental, Ministro encargado para el arreglo y conclusion de los asuntos de Rl. Hacienda en esta de la Luisiana.—

Por quanto habiendose presentado en mi Tribunal Tomas Williams, solicitando la concesion de quatro cientos Arpanes de tierra planos, en el distrito de la Feliciana, para establecerce con tres hijos y tres esclavos, los quales estaban cituados á quatro millas al Este del Rio Feliciana, lindando por la parte meridional con tierras de Daniel Miller, los quales estaban vacantes, segun los documentos que presentaba: a cuya pretencion provey se remetiese la instancia al Sor. Gobernador de Baton Rouge, para que si el suplicante se hallaba establecido en la tierra que solicitaba, se formase el Plano para despacharle el titulo: que resultando ási, segun diligencia estendida y firmada del dicho Sor. Gobernador, previno en consequencia formase el Plano, que verifico, y remitido mande dar vista al Sor. Fiscal, y contextado, como no opusiese reparo á la pretencion del indicado Tomas Williams, pr. auto de 24 de Diziembre ultimo mandé despacharle el titulo de propriedad, con atencion á la concesion que le hise de los mencionados quatro cientos arpanes de tierra planos, mediante á la posecion en que estaba de ellos, y previo que el agrimensor gral. Dn. Carlos Trudeau tomase razon del Plano, y medida practicada por el particular Dn. Vicente Pintado, y que proveyesa del doble para colocarlo con el Titulo: como efectivamente asi se verifico segun consta del expediente a que merremito: en cuya virtud, y usando de las facultades que me son conferidas, en nombre del Rey Nro. Señor (Dios le gue.) concedo al nominado Tomas Williams, graciosamente, los quatro cientos arpanes de tierra planos que ha solicitado, cituados que están en el distrito de la Feliciana, a quatro millas al Este del Rio del mismo nombre, y a siete millas al N. E. de la confluencia del Mississippi, lindando por el Norte con tierra de Adonijah Harbourg, por la del sur con la de Daniel Miller, y por la del Este N. E. con oeste sud oeste con tierras vacantes: segun la medida, y Plano dado por el agrimensor gral. Dn. Carlos Trudeau, distinguido con el N. 1.690, que se une a este titulo para la Constancia, conocimiento del parage en que esta cituada la tierra, linderos, rumbos, y distancias, del apeo, segun se ha relacionado: mediante lo qual, le imparto al mencionado Tomas Williams, entero, y directo dominio á los referidos quatro cientos arpanes de tierra planos para que como suyos los posea, usa, cultive, y disponga de ellos á su voluntad; y le doy poder para que aprehenda la posecion de ellos, y continue en la que tubiere, y en la que

le pongo, y amparo sin perjuicio de tercero que mejor derecho tenga. Con la calidad de que ha de cumplir con lo prevenido en la instruccion que sobre tierras formó y publicó esta intendencia en 17 de Julio de 1799, de que se le advierte para que no alegue ignorancia. En fe de lo qual mandé despachar el presente, firmado de mi mano, sellado con el de mis armas, y refrendado del infrascripto essto. de Rl. Hacda. quien como la contaduria pral. tomará la razon. Dado en la Nueva Orléans á veinte y quatro de Febrero de mil ocho cientos quatro.

[SEAL.] (Signed) JUAN VENTURA MORALES.

Por mdo. del Sor. Intendente.

(Signed) CARLOS XIMENES.

En la Contada. pral. de Exto. del Ministerio de Rl. Hacienda de nuestro cargo se tomo razon del titulo antecedente, y se notó al fo. 42 y bta. del Libro destinado á este fin. Nueva Orleans veinte y siete de Febrero de mil ochocientos quatro.

(Signed) GILBERTO LEONARD,
MANUEL ARMIREZ.

Queda tomado razon del titulo antecedte. a 59 bta. y siguiente, del Libro destinado para las de venta de tierras, que por equivocacion se tomo en el; pero queda certificada la equivocacion en el segundo libro de toma de razones de concesiones graciosas, a 8 de el.

(Signed) CARLOS XIMENES.

[For map see original, page 246.]

Don Vicente Sebastian Pintado Capitan de Cavaleria de milicias y segundo agrimensor de esta Provincia &a. &a. Certifico que fue dada concesion a Thomas William de un terreno de quatro cientos arpanes planos, medidos á la percha de Paris, segun costumbre agraria de esta Provincia, cuyo terreno situado en el Distrito de la Feliciana, a quatro millas al este del Rio del mismo nombre, y a siete millas al N. E. de su confluencia con el Mississippi, linda por la parte del Norte con tierra de Adonijah Hanbourg, y por la del sur con dhas. de Daniel Miller, y por la del Este N. E. con oeste sud oeste con tierras vacantes. Como todo se demuestra en el plano que antecede, en el que va figurado el terreno. Cuya forma es un trapezio, con sus dimensiones anotados en perchas lineales, sus direcciones segun la Bruxula, los arboles y mojones que sirven de linderos y los demas—confines naturales y artificiales, &a. &a.

La posesion se fue dada en virtud de decreto del Señor Don Carlos de Grand-Pré, Coronel de los Reales Exs. Governador Politico y militar de estos puestos y subdelegado de la intendencia general de esta Provincia; con fecha quinze de Octubre ultimo. Y para que conste doy la presente en Baton Rouge, a nueve dias del mes de Di-

1820.

mentre de mil ocho cientos y tres años, firmado, Vicente Sebo. Pintado—(y mas abaxo lo que sigue.)

En la oficina de agrimensura general se tomo razon del antecedente plano y relacion sentado en el libro P N 4 verso 94 al No. 1690 de los planos, firmado—Carlos Trudeau agm.

Don Carlos Trudeau, agrimensor Real y Particr. Certifico las presentes copias conforme á los originales que se hallan agregados a los expedientes y en virtud del decreto del señor intendente general, en fecha veinte y quatro del mes de diciembre proximo pasado. Doy la presente a primer Febrero de mil ocho cientos y quatro años.

(Signed) CARLOS TRUDEAU.

Endorsed.—"U. S. Dist. Ct. No. 44. E. Title to 400 arps. from "Thos. Williams. Off'd in evce by Plaintiff Mar. 27, 1849.

"ROBR. M. LUSHER,
"*Dy. Clerk.*"

"Filed June 15, 1846.

"L. E. SIMONDS,
"*Dy. Clerk.*"

Translation of foregoing Document E.

Title of property to 400 superficial arpents of Land conceded gratuitously to Thomas Williams, which land is situated in Feliciana:—

I, Don Juan Ventura Morales, Comptroller for the Army, Intendant and sup. intendant of West Florida, officer entrusted with the adjustment and settlement of the affairs of the Royal Treasury in Louisiana.

Thomas Williams having presented himself before my Tribunal soliciting a grant of Four Hundred superficial arpents of land in the district of Feliciana to establish himself thereon with his three sons and three slaves, which land is at four miles to the East of the river Feliciana, bounded on the south by the lands of Daniel Miller, and it being vacant as shown by the documents which the petitioner has presented, I ordered in consequence of said application that the petition be sent to the Governor of Baton Rouge in order that if the petitioner was established on the land which he solicits, that the plan of the tract be made out with a view of giving him a Title of property, this being the case as *as* appears from a Document given and signed by the said Governor, I therefore ordered that the plan be made out, and this having been done and presented, I ordered that the proceedings be submitted to the Señor Fiscal, who replied that he had no objections to make to the petition of the said Thomas Williams, consequently I decreed by an act under sale of 24th of December last that a title of property be delivered to him; the concession of the said Four Hundred superficial arpents of land is made in consideration of his being in possession of the land. I further ordered that the surveyor general should register the plan and operations of measurement which have been made by Don Vincent Se-

bastian Pintado a furnish a copy of said plan to be annexed to the title, which was done as appears from the proceedings to which I refer, therefore in virtue of the power delegated to me by his Majesty, (whom may God preserve) I grant gratuitously to the aforesaid Thomas Williams the Four Hundred superficial arpents of land which he has solicited, and which are situated in the district of Feliciana at four miles East of the river of said name, and at seven miles to the N. E. from its confluence with the Mississippi, bounded on the North by the lands of Adonijah Harbourg, on the south by the lands of Daniel Miller, and on the East N. E., and West South West by vacant lands, agreeably to the survey and plan given by the surveyor general, Don Carlos Trudeau bearing No. 1690 which plan will be annexed to this Title as evidence and for a knowledge of the place where said land is situated, its dimensions and directions as above stated. I impart unto the said Thomas Williams entire and direct sovereignty over said Four Hundred superficial arpents of Land, that as his property he may possess, use, cultivate and dispose of them whenever he may think proper, and I authorize him to take possession of them, which possession I give and place him in without prejudice to any third party who might have a better right, under the condition of complying with the provisions of the Law relating to lands, which were passed and published by this Intendancy on the 17th of July, 1799, and of which he will inform himself not to allege ignorance of said Law. In faith of which, I have ordered to be delivered these presents signed with my hand, sealed with the seal of my arms, & countersigned by the undersigned Notary of the Royal Treasury in whose office as well as (la contaduria pral.) Comptrollership General this Title will be registered—

Given in New Orleans on the twenty-fourth day of February eighteen hundred and four.

(Signed) JUAN VENTURA MORALES;

By order of his Excellency the Intendent General.

CARLOS XIMENES.

The foregoing title has been registered (en la Contaduria pral. de Exercito del Ministerio de Real Hacienda) at the Comptrollership General for the Army and department of the Royal Treasury under our charge in folio 42 of the book destined to said object.

(Signed) GILBERTO LEONARD.

" MANUEL ARMIREZ.

New Orleans 27 February 1804.

The foregoing title has been registered thro' error in the book destined to sales of lands, at folio 59 and 60, but this error has been noted in folio 18 of the book destined to register gratuitous concessions of lands.

CARLOS XIMENES.

(*Translation of Certificate under Plan*,—see page 246.)

I Don Vincent Sebastian Pintado Captain of Cavalry of Militia, and deputy surveyor of this province &c. &c. do hereby certify that possession has been given to Thomas Williams of a tract of land, containing four hundred superficial arpents by measurement of the perch of Paris agreeably to the Agrarian custom of this province and that said tract is situated in the District of Feliciana at four miles east of the river of said name (Feliciana) and seven miles to the N. E. of its confluence with the Mississippi, bounded on the north by the lands of Adonijah Harbourg on the south by the lands of Daniel Miller and on the east north east and west south west by vacant lands, all of which is amply demonstrated in the plan which precedes representing said tract; the form of the tract is a traperium the sides of which are noted in lineal perches and its directions given by the Compass, in said plan are also represented the trees and land-marks which serve as boundaries and other natural and artificial limits. The possession of said tract was given to the aforesaid Thomas Williams in virtue of an order dated 15th of October last from his excellency Dn. Carlos de Grand-Pré Colonel of the Royal Army civil and military governor of this post and sub-delegate of the General Intendancy of this Province.

In faith whereof, I give these presents in Baton Rouge on the ninth day of the month of December of the year eighteen hundred and three.

(Signed) VINCENT SEBASTIAN PINTADO.

And below is what follows:

The foregoing plan and description have been registered in the office of General Mensuration in Book D. No. 4 folio 94 and the plan numbered 1690.

(Signed) CARLOS TRUDEAU,
Royal Surveyor.

I, Don Carlos Trudeau, Royal and Special Surveyor, do hereby certify the above to be true copies of the originals which are annexed to the proceeding of this case, and in virtue of the decree of his Excellency the Intendant General, dated 24th of the month of December last, I give these presents on the first day of February eighteen hundred and four.

(Signed) CARLOS TRUDEAU,
Roy: Surveyor.

And thus closed the evidence offered by the plaintiff.

bastian Pintado a furnish a copy of said plan to be annexed to the title, which was done as appears from the proceedings to which I refer, therefore in virtue of the power delegated to me by his Majesty, (whom may God preserve) I grant gratuitously to the aforesaid Thomas Williams the Four Hundred superficial arpents of land which he has solicited, and which are situated in the district of Feliciana at four miles East of the river of said name, and at seven miles to the N. E. from its confluence with the Mississippi, bounded on the North by the lands of Adonijah Harbourg, on the south by the lands of Daniel Miller, and on the East N. E., and West South West by vacant lands, agreeably to the survey and plan given by the surveyor general, Don Carlos Trudeau bearing No. 1690 which plan will be annexed to this Title as evidence and for a knowledge of the place where said land is situated, its dimensions and directions as above stated. I impart unto the said Thomas Williams entire and direct sovereignty over said Four Hundred superficial arpents of Land, that as his property he may possess, use, cultivate and dispose of them whenever he may think proper, and I authorize him to take possession of them, which possession I give and place him in without prejudice to any third party who might have a better right, under the condition of complying with the provisions of the Law relating to lands, which were passed and published by this Intendancy on the 17th of July, 1799, and of which he will inform himself not to allege ignorance of said Law. In faith of which, I have ordered to be delivered these presents signed with my hand, sealed with the seal of my arms, & countersigned by the undersigned Notary of the Royal Treasury in whose office as well as (la contaduria pral.) Comptrollership General this Title will be registered—

Given in New Orleans on the twenty-fourth day of February eighteen hundred and four.

(Signed) JUAN VENTURA MORALES;

By order of his Excellency the Intendent General.

CARLOS XIMENES.

The foregoing title has been registered (en la Contaduria pral. de Exercito del Ministerio de Real Hacienda) at the Comptrollership General for the Army and department of the Royal Treasury under our charge in folio 42 of the book destined to said object.

(Signed) GILBERTO LEONARD.

" MANUEL ARMIREZ.

New Orleans 27 February 1804.

The foregoing title has been registered thro' error in the book destined to sales of lands, at folio 59 and 60, but this error has been noted in folio 18 of the book destined to register gratuitous concessions of lands.

CARLOS XIMENES.

(*Translation of Certificate under Plan*,—see page 246.)

I Don Vincent Sebastian Pintado Captain of Cavalry of Militia, and deputy surveyor of this province &c. &c. do hereby certify that possession has been given to Thomas Williams of a tract of land, containing four hundred superficial arpents by measurement of the perch of Paris agreeably to the Agrarian custom of this province and that said tract is situated in the District of Feliciana at four miles east of the river of said name (Feliciana) and seven miles to the N. E. of its confluence with the Mississippi, bounded on the north by the lands of Adonijah Harbourg on the south by the lands of Daniel Miller and on the east north east and west south west by vacant lands, all of which is amply demonstrated in the plan which precedes representing said tract; the form of the tract is a traperium the sides of which are noted in lineal perches and its directions given by the Compass, in said plan are also represented the trees and land-marks which serve as boundaries and other natural and artificial limits. The possession of said tract was given to the aforesaid Thomas Williams in virtue of an order dated 15th of October last from his excellency Dn. Carlos de Grand-Pré Colonel of the Royal Army civil and military governor of this post and sub-delegate of the General Intendancy of this Province.

In faith whereof, I give these presents in Baton Rouge on the ninth day of the month of December of the year eighteen hundred and three.

(Signed) VINCENT SEBASTIAN PINTADO.

And below is what follows:

The foregoing plan and description have been registered in the office of General Mensuration in Book D. No. 4 folio 94 and the plan numbered 1690.

(Signed) CARLOS TRUDEAU,
Royal Surveyor.

I, Don Carlos Trudeau, Royal and Special Surveyor, do hereby certify the above to be true copies of the originals which are annexed to the proceeding of this case, and in virtue of the decree of his Excellency the Intendant General, dated 24th of the month of December last, I give these presents on the first day of February eighteen hundred and four.

(Signed) CARLOS TRUDEAU,
Roy: Surveyor.

And thus closed the evidence offered by the plaintiff.

que sean relativos á los limites y demarcaciones de dicho Territorio, como tambien por lo respectivo á los salvages y demas puestos tomando de todo el recibo correspondiento, para vuestro descargo, y que deis al expresado Gobor. todas las noticias que puedan convenir para ponerlo en estado de Gobernar dicha Colonia á satisfaccion de la Republica. Y a fin de que la expresada cesion se haga á reciproca satisfaccion de ambas Potencias, formareis un imbentario por duplicado firmado por vos y por el comisionado respectivo de la Republica, de toda la Artilleria, Armas, Municiones, efectos Almacenes, Hospitales, bastimentos Maritimos &a. que me pertenecen en dicha Colonia, y procedereis con el comisionado á hacer una estimacion, ó tasa exacta de todos los efectos que pertenezcan sobre los diferentes parages de la Colonia para que su valor sea reembolsado por el Gobno. Frances sobre el pie de la misma taza. Esperamos al mismo tiempo por la ventaja y tranquilidad de los Habitantes de la Colonia y nos prometemos de la sincera amistad y estrecha alianza que nos une al Gobno. de la Republica que este dará sus ordenes al Goberor. y á los demas oficiales Empleados á su servicio en la dicha Colonia, y Ciudad de Nueva Orleans para que los Eclesiasticos y casas Religiosas que sirven los Curatos y Miciones continuan sus funciones y gozen de los mismos privilegios prerrogativos, y exenciones que les han sido cocedidas por los titulos de sus establecemientos, qe. los Jueces Ordinarios continuen igualmente quel os Tribunales establecidos á administrar la Justicia segun las Leyes y costumbres recibidas en la Colonia que á los Habitantes se les mantenga y conserve en pacifica posesion de sus bienes, que les sean confirmadas todas las concesiones, ó propriedades de qualesquiera especie hechas pr. mis Gobernadores aun quando no huviesen sido confirmadas por mi, esperando á demas que el Gobno. de la Republica dará á sus nuevos subditos las mismas pruebas de proteccion y afecto que han experimentado baxo de mi Dominio. Dada en Barcelona a 15 de Octubre de1802, Yo el Rey. Pedro Cevallos. Concuerda con su original, Es copia de la que se ha recivido en esta Secretaria de Gobno. de mi cargo de que certifico:—Nueva Orleans 24 de Mayo de 1803.

ANDRES LOPEZ ARMESTO.

Don Franco. Maxima. de Sn. Maxent Brigadier de los Reales Exercitos, Coronel del Regimiento Infanta. de la Luisiana y Comandante interino de la provincia de la Florida occidental.

Certifico: Que la copia que antecede es conforme á la que existe en el Archivo de esta Secretaria de Gobno. y para que conste donde convenga doy la presente en Panzacola firmado de mi mano, Sellada con el Sello de mi sarmas y refrendado por el infrascrito secretario de este Gobno. á dos de Octubre de mil ochocientos diez y seis.

[SEAL.] (Signed) FRANCO. MAXIMA. P. MAXENT,
(Signed) CARLOS REGGIO.

No evidence offered for Defendants.

And at the same term, to wit, on the 27th day of April, A. D. 1849, appeared the plaintiff and defendants in this cause and filed the following

Agreements.

JOSEPHINE DUPLANTIER
vs.
THE UNITED STATES.

1°. Agreement admitting State Papers in evidence.

The extracts from the American state papers published by authority of Congress at p. 55 of the 3d. vol: shewing the Report of the Commissioner on the grant to Labatut and to Duplantier, are admitted to be in evidence.

(Signed) A. N. OGDEN,
for Plff.

" THOMAS J. DURANT,
Atty. U. S.

JOSEPHINE DUPLANTIER
vs.
THE UNITED STATES.

2°. Agreement submitting cause.

This case having already been submitted on the written briefs of the Counsel for the Intervenors and the U. S. District Attorney; it is now agreed to submit the whole case on the evidence which has been taken in writing and the documents filed as evidence in the cause.

(Signed) A. N. OGDEN,
Atty. for Plaintiff.

27th April 1849.

The Atty. U. S. submits the case for decision under all the objections made by him at bar to the introduction of the various pieces of evidence.

(Signed) THOMAS J. DURANT,
Atty. U. S. for E. D. of La.

Whereupon was forthwith entered of record the following

Order of Submission.

JOSEPHINE DUPLANTIER
vs.
THE UNITED STATES. 44.

The Intervention filed herein by M. and C. Vidal having been submitted on the written briefs of Counsel, it is now agreed by A.

N. Ogden, Esq: for Plaintiff and the United States District Attorney for the defendants, and the Court doth order, that the whole cause be submitted on the evidence and documents of record.

And afterwards, at the same Term, to wit: on the 15th day of May, A. D. 1849, was rendered and recorded the following judgment, which was duly engrossed and signed on the 19th day of May, A. D. 1849, in the words and figures following, to wit:

United States District Court: Eastern Dist. of Louisa. Sitting in Chancery.

February Term, 1849. Tuesday May 15th, 1849. Present: Hon. Theo. H. McCaleb.

JOSÉPHINE J. DUPLANTIER
vs.
THE UNITED STATES. } No. 44.

Judgment.

This cause came on for hearing at the present Term, to wit: on the twenty sixth day of March last on the petition, answer, intervention of C. and M. Vidal, demurrer thereto supplemental petition, exhibits and proof of Record, and was argued by counsel for the complainant and the intervenors, and the attorney of the United States for the defendants; and the court being duly advised in the premises and having fully considered the case, and being satisfied from the evidence adduced and the law, that the petitioner Josephine Joyce Duplantier is entitled to the relief prayed for by her as the present owner of sixteen thousand arpents of land originally granted by the Spanish government to Don Juan Bautista Labatut and of three thousand arpents of the tract of 40,000 originally granted to Jayme Jorda, it is therefore in consideration of the premises, and for the reasons given at length in the case of Joseph Raynes against the United States, No. 10 of the Docket, now ordered, adjudged and decreed that the said grants made by the Spanish government, to wit: that of sixteen thousand arpents made, on the twentieth day of January, one thousand eight hundred and four by Juan Ventura Morales to J. B. Labatut, and that of forty thousand arpents made, on the second day of January, eighteen hundred and four, by the said Intendant to Jayme Jorda, are valid against the United States, and that the lands included within the same, as hereinafter described, are the property of the petitioner, to wit:

Sixteen thousand arpents granted to Juan B. Labatut, as follows:

[827.] Eight hundred and twenty-seven arpents situated in the district of Feliciana, four miles east of the river of said name (Feliciana), at the place commonly called "Black Creek," bounded on the N. North West by lands of Don Joseph Bernardo de Hevia and

vacant lands, and on the S. South West, and E. S. East also by vacant lands.

[2781]. Two thousand seven hundred and eighty one arpents situated in the district of Baton Rouge behind the highlands of Manchac, eight miles to the E. S. E. by compass placed in the fort of the said district. Bounded on the side looking to the north by lands surveyed for Don Joseph Reynes, on the north north east and east south east by vacant lands, and on the S. S. E. by the lands of Isaac Lathrop, Don Gilberto Andry, Joseph Sharp, Widow Trist, Firmin or Hyppolite Landry, and José Le Blanc.

[2500]. Two thousand five hundred arpents situated in the district of Baton Rouge, five miles and a half by compass from the fort; bounded on the north by lands of Thomas Hutchins, on the south by lands surveyed for Don José Reynes, and on the west and east by uncultivated lands.

[4052]. Four thousand and fifty two arpents, situated on the west bank of the river Comite within the jurisdiction of Baton Rouge, fourteen miles more or less from the confluence of said river with the river Amit; bounded on the north and west by uncultivated lands, on the south by (Arroyo del Bosque Roxo) "Rivulet of Red Wood" and lands of Thomas Urquhart, and on the east by the said river Comit.

[5840]. Five thousand eight hundred and forty arpents situated on the west bank of the river Comit, within the jurisdiction of Baton Rouge, twenty miles more or less from the confluence of said river with the river Amite, bounded on the north and east by vacant lands, on south by lands of Don Thomas Urquhart, and on the west by said river Comit.

As more fully and definitely set forth in five several plats of survey of record herein as exhibit B.—and—of the tract of forty thousand arpents, granted to Jayme Jorda, three thousand arpents as follows:

[3000]. Three thousand arpents by measurement of the City of Paris, agreeably to the agrarian custom of the province, situated in the district of Feliciana, thirty miles east of the river Mississippi and five hundred and ninety six perches from the boundary line (at the date of the survey) between the territory of the United States of America and the dominions of the Spanish crown; bounded on the east by lands of Don Jayme Jorda, on the south by lands of Don José Reynes, on the west by lands of Don Manuel de Lanzos and on the north by the three thousand arpents which complete the six thousand arpents purchased by Don José Maria de la Barba from Don Jayme Jorda: the form of said tract being a rectangular parallelogram, the longest sides of which are five hundred and ninety-six lineal perches running north eight degrees, thirty minutes west, and south eight degrees, thirty minutes east by compass, and the short sides five hundred perches and a third running north eighty one degrees thirty minutes east by the compass without regard to its variation, which is

eight degrees thirty minutes to the north east—as fully shown in the plat of survey of record as exhibit D. And it is further ordered, adjudged and decreed that, if it should appear that any portion of the lands, so described and adjudged to be the property of the petitioner has been sold or otherwise disposed of by the United States the claimant and petitioner shall be, and she is hereby, authorized to enter, in any Land Office of the United States in the State of Louisiana, an equal quantity of land in parcels conformable to sectional divisions and subdivisions, after the same shall have been offered at public sale; and if it should so happen that, in making such entries there should remain in the hands of the enterer a fractional excess of acres of a less number than the smallest sectional divisions authorized by law to be sold, the petitioner shall have the right to enter, in virtue of such fractional excess, the quantity of one half-quarter section of land, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section over and above the fractional excess to which she may be entitled by virtue of this decree.

And it is further ordered, adjudged, and decreed that the claim of the petitioner founded upon a grant of ten thousand arpents, by Morales, on the twenty-seventh of April, eighteen hundred and four to Don Armand Duplantier (as shown in exhibit C.), and also that founded on the grant of four hundred arpents to Thomas Williams (exhibit E.), be and the same are hereby rejected.

And it is further and finally ordered, adjudged and decreed, that the petition of intervention of the heirs of Vidal claiming title to the land embraced in the grant made to J. B. Labatut be, and the same is hereby dismissed at the costs of the said intervenors.

Judgment rendered May 15th 1849.

Judgment signed May 19th 1849.

[SEAL] (Signed) THEO. H. McCALEB,
U. S. Judge.

And further and finally, at the same term, to wit: on the said 19th day of May, A. D. 1849, was moved for in open court, granted, and recorded the following

Order of Appeal.

UNITED STATES OF AMERICA,
Eastern District of Louisiana S. S.

District Court, February Term 1849.

Before the honorable Theodore H. McCaleb Judge of the said District Court.

Be it remembered that on this 19th day of May in the year one thousand eight hundred and forty-nine, at the February Term of the district court aforesaid, in his own proper person comes Thomas

J. Durant, Attorney of the United States for the district aforesaid, and on giving the court here to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court rendered against them at this term in the matter of Josephine J. Duplantier *versus* the United States, and desire to appeal therefrom.

It is thereupon ordered by the court that an appeal be allowed in favor of the said United States from the judgment aforesaid, returnable to the Supreme Court of the United States at the next term thereof after the date of this order.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

I, Needler R. Jennings, Clerk of the District Court of the United States sitting at New Orleans in and for said District, do hereby certify, that the foregoing two hundred and sixty-eight folios, including plans on fols. 44, 47, 50, 53, 56; 199, 200, 201, 202, 203; 225, & 246, contain and form a true, faithful, correct and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery wherein Joséphine J. Duplantier is plaintiff or complainant and the United States are defendants. No. 44 of the Land Docket of said Court.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, at the city of New Orleans, this first day of September, one thousand eight hundred and forty-nine, and the 74th year of American Independence.

[SEAL.] N. R. JENNINGS,
Clerk U. S. District Court Eastern Dist. of Louisiana.

I, Theodore H. McCaleb, Judge of the District Court of the United States for the Eastern District of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal at New Orleans this 24th day of Septr. A. D. 1849.

[SEAL.] THEO. H. McCALEB.

UNITED STATES OF AMERICA,

To Joséphine Joyce Duplantier, residing in the Parish of East Baton Rouge, State of Louisiana: greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Wash-